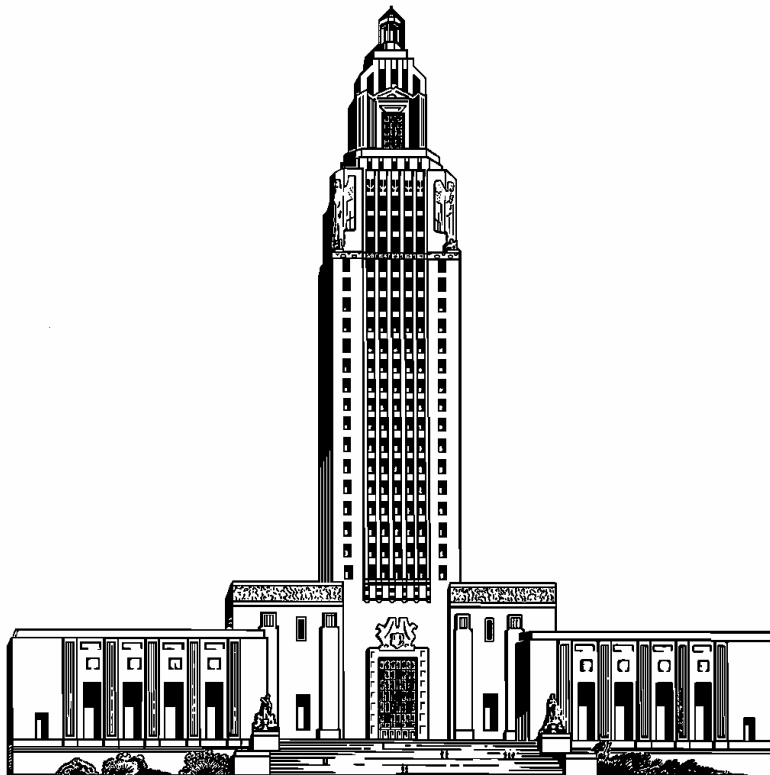


HIGHLIGHTS

of the
2003 Regular Session
of the
Louisiana Legislature



Prepared by:
House Legislative Services
June, 2003

Table of Contents

Administration of Criminal Justice	7
Crimes and Criminal Procedure	7
Gaming	10
Charitable Gaming	11
Controlled Dangerous Substances	11
 Agriculture Committee	 13
 Appropriations	 15
HB 1	15
General Government	15
Economic Development	16
Public Safety and Corrections	16
Health and Hospitals	16
Public Health	16
Medicaid	16
LSU - HCSD Charity Hospitals	17
Social Services	18
TANF Initiatives	18
Other Social Services	18
Higher Education	19
Elementary and Secondary Education	19
Supplemental Appropriations	20
Judicial Expense Act	20
HB 1875	21
Special Funds	21
State Procurement and Contracts	24
 Civil Law and Procedure	 25
Property - Coastal Restoration	25
Property- Expropriation	25
Jury Trials	26
Procedure	27
Medical Malpractice	27
Children-Support, Custody, Adoption	28
Limitations of Liability	30
Mortgages	31
Marriage	31
Successions	31
Birth Certificates / Name Changes	32
Notaries	32
 Commerce	 34
Banking	34

Business Entities	34
Consumer Protection	34
Commercial Regulation	35
Department of Economic Development	35
Electric Utilities	36
Telecommunications	36
Education	39
Minimum Foundation Program (MFP)	39
Accountability/Failed public Schools	40
Accountability/Other	41
Tuition Opportunity Program for Students (TOPS)	41
School Choice/Vouchers	43
Teachers and Other School Employees/Removal	45
Teachers/Sabbatical Leave	45
Teachers/Critical Shortage	45
Teachers and Administrators/Certification	46
Teachers	46
Local Public School Boards/Membership	47
Local Public School Boards/Mandates	48
Local Public School Boards/Other	48
Charter Schools	49
Students/Discrimination	49
Students/Home Study	49
School Administrators/Salaries	50
School Employees/Salaries	50
Schools/Instructional Time	51
Schools/Curriculum	52
Schools/Parental Involvement	52
Louisiana Education Quality Support Fund - "8(g)"	52
State Department of Education	53
Student Financial Assistance	53
Postsecondary Education/Tuition	55
Postsecondary Education/Articulation	56
Environment	57
Ground Water Protection	57
Governor's DEQ Task Force Recommendations	58
Air Emissions	58
Waste Tire Program	59
Health and Welfare	60
Abortion	60
Charity hospitals	60
Children	60
Child Support	61
Counselors	61

Fees/Licenses/Permits	61
Genetics	61
Health and Hospitals	61
Nurses/Registered	62
Nursing Homes	62
Physical Therapists	62
Prescriptions	63
Smoking	63
Social services	63
Vital Statistics/Birth Certificates	64
House and Governmental Affairs	65
Legislative Auditor	65
Legislative Powers and Procedure	65
Ethics	66
Government Organization	66
Elections	67
Election Offenses	70
Elections/Voting	70
Campaign Finance	71
Constitutional Convention	71
Administrative Procedure	71
Redistricting	71
Public Employees	72
Elected Officials	72
Open Meetings/Public Records	73
Insurance	74
Health Insurance	74
Health Insurance Mandates	75
Insurance Agents	76
Property and Casualty Insurance and Rates	77
Department of Insurance	78
Life Insurance	79
General Insurance Matters	79
Judiciary	80
Judges	80
Court Costs	81
Elected Officials - Pay Increases	81
Assistant District Attorneys	82
Alcoholic Beverages	82
Juveniles	83
Law Enforcement Officers	84
Military Affairs	84
Special Legislation	84

Labor and Industrial Relations	86
Employment	86
Labor	86
Unemployment	87
Workers' Compensation	87
Municipal, Parochial and Cultural Affairs	88
Local Government	88
Abandoned and/or Adjudicated Property	91
Fire and Police	92
Crime Prevention	92
Planning/Zoning	93
Housing	93
Transportation	94
Hospital Service Districts	94
Museums	94
Parkways/ Trails/ Byways	95
Culture	96
State Parks	96
Public Green Space	96
State Library	96
Office of Lieutenant Governor	97
Natural Resources Committee	98
Speckled Trout Regulations	98
Oyster Lease Legislation	98
Importation and Sale of primates and reptiles	99
Retirement	100
Disability Retirement	100
Deferred Retirement Option Plan (DROP)	100
Boards and Commissions	102
Benefits	104
Cost-of-Living Adjustments (COLAs)	105
Contributions	106
Additional Service Credit	107
Transportation, Highways and Public Works	108
Driver Distractions	108
Drivers licenses	108
Motorcycle Helmets	109
Motor Vehicles	109
Open Container	110
Seat Belts	110
Louisiana Airport Authority	110
Ports	111
Railroads	111

Transportation Department	111
TIMED Program	112
Ways and Means	113
Capital Outlay	113
Bonds	113
Tax Exemptions	113
Taxation	113
Local Sales & Use Tax	114
Assessors	114
Severance Tax	115
Income Tax	115
Funds	115
Seizures/Sales	115
Economic Development	115
Housing	116
Congress	116
Public Contracts	116

ADMINISTRATION OF CRIMINAL JUSTICE

CRIMES AND CRIMINAL PROCEDURE

SB 346 by Dardenne (*Last Action – Act No. 487*)

HB 710 by Downer (*Last Action - House Committee*)

Requires the collection of DNA samples from persons who are arrested or convicted of felony offenses and other specified offenses for inclusion in the state DNA database. Provides that juveniles arrested for a covered offense or adjudicated delinquent for a felony-grade delinquent act shall also be required to provide a DNA sample.

Extends the time period in which sex offense prosecutions may be commenced when the identity of the offender is established after the expiration of the statutory time limitation through the use of a DNA profile.

SB 98 by Lentini (*Last Action – Sent to Governor*)

HB 667 by Thompson (*Last Action - House Committee*)

Prohibits a person from entering or remaining upon movable or immovable property without express, legal, or implied authorization. Provides for a listing of persons who may enter or remain upon property, including but not limited to law enforcement personnel, emergency medical personnel, and certain governmental or public utility employees engaged in dealing with emergencies. Also authorizes certain persons to enter or remain unless specifically forbidden by the property owner, including but not limited to land surveyors, persons making a delivery, soliciting, conducting business or communicating with the property owner, owners of domestic livestock or animals for the purpose of retrieving the animals, candidates for political office, and owners or occupants of a watercraft for the purpose of retrieving his property or obtaining assistance in an emergency situation.

Removes the posting requirements and repeals the various criminal statutes on trespass for different types of immovable property. Provides for criminal penalties of criminal trespass, and provides that the owner of property shall not be answerable for damages sustained by a person who enters the property without authorization except for intentional acts or gross negligence.

HB 391 by Futrell (*Last Action – House Committee*)

Would have amended the criminal penalties for third and subsequent offenders who are convicted of operating a vehicle while intoxicated as follows:

Administration of Criminal Justice ---

- (1) Third offense - imprisonment with or without hard labor for 1 to 5 years and a fine of \$2,000, with 6 months imposed without benefit of probation, parole or suspension of sentence.
- (2) Fourth/subsequent offense - imprisonment at hard labor for 10 to 30 years and a fine of \$5,000, with at least 2 years imposed without benefit of suspension of sentence, probation or parole.

SB 405 by Chaisson (*Last Action – House Committee*)

Would have amended the criminal penalties for third and subsequent offenders who are convicted of operating a vehicle while intoxicated as follows:

- (1) Third offense - fine of \$2,000 and imprisonment with or without hard labor for 1 to 5 years, with not less than 90 days nor more than 180 days imposed without benefit of suspension of sentence, probation or parole. Authorized the remainder of the sentence to be suspended, and provided that if the sentence was suspended, the offender would be required to participate in substance abuse treatment and home incarceration.
- (2) Fourth/subsequent offense - fine of \$5,000 and imprisonment with or without hard labor for 10 to 30 years, with not less than 6 months nor more than 1 year imposed without benefit of suspension of sentence, probation or parole. Authorized the remainder of the sentence to be suspended, and provided that if the sentence was suspended, the offender would be required to participate in substance abuse treatment and home incarceration.

SB 142 by Dupre (*Last Action - House Committee*)

This bill was substantially similar to SB 405 by Senator Chaisson except it would have required, instead of authorized, the remainder of the sentence for third and subsequent DWI offenders to be suspended.

HB 1984 by Gary Smith (*Last Action – Enrolled*)

Adds to the crime of first degree murder the killing of a human being when the offender has specific intent to kill or inflict great bodily harm and any lawful order prohibiting contact between the offender and the victim has been issued.

Also, authorizes the attorney general in certain criminal proceedings involving a homicidal death to investigate, prosecute, or intervene in the proceeding.

Administration of Criminal Justice

HB 849 by Martiny *(Last Action – Enrolled)*

Creates the crime of domestic abuse battery which is the intentional use of force or violence committed by one household member upon the person of another household member without the consent of the victim. Defines "household member" as any person of the opposite sex presently living in the same residence, or living in the same residence within five years of the occurrence of the battery, with the defendant as a spouse, whether married or not. Provides for graduated penalties including monetary fines, imprisonment, participation in court-approved domestic abuse prevention programs, etc.

HB 1981 by Martiny *(Last Action – Enrolled)*

Prohibits any person from engaging in vaginal, oral, or anal sexual intercourse in a public place for the purpose of gaining the attention of the public. Provides for the following penalties: a fine of not more than \$1,000 and imprisonment for not less than 10 days nor more than one year, with at least 10 days imposed without benefit of probation, parole, or suspension of sentence.

HB 1017 by Devillier *(Last Action – Sent to Governor)*

Prohibits the death penalty from being imposed on mentally retarded persons. Requires a capital defendant claiming to be mentally retarded to file a motion within 15 days after arraignment. Provides that the jury shall try the issue of mental retardation unless the state and the defendant agree that the issue shall be tried by the judge.

HB 294 by Morrell *(Last Action – Enrolled)*

Amends the habitual offender law to provide for criteria for determining which prior convictions are to be counted for the purpose of imposing enhanced penalties based on multiple felony convictions.

Authorizes the Louisiana Risk Review Panel to evaluate certain offenders who have violated the Uniform Controlled Dangerous Substances Law. Authorizes the Louisiana Risk Review Panel to evaluate the risk of danger to society of persons who are serving life sentences for violations of the Uniform Controlled Dangerous Substances Law and who have served at least 20 years in actual custody, excluding any person convicted of a sex offense or as an habitual offender when one or more of the crimes was a crime of violence.

Administration of Criminal Justice

GAMING

SB 828 by Boissiere *(Last Action – Act No. 352)*

HB 840 by Ansardi *(Last Action – House Calendar)*

HB 1316 by Murray *(Last Action – House Calendar)*

Authorizes slot machine gaming at an eligible live horse racing facility in Orleans Parish, subject to voter approval and adoption of certain amendments to the Amended and Renegotiated Casino Operating Contract. Provides for an annual increase in the number of slot machines which may be operated at the eligible facility beginning July 1, 2003.

Creates the Bossier Parish Truancy Program Fund and the Orleans Parish Excellence Fund and provides for the use of the monies withdrawn from those funds.

Provides for the use of monies in the St. Landry Parish Excellence Fund to provide for the construction and operation of a Career and Technology Center to be located in St. Landry Parish.

Provides that the St. Landry Parish Excellence Fund, the Bossier Parish Excellence Fund, Calcasieu Parish Excellence Fund, and the Orleans Parish Excellence Fund in the state treasury are created from proceeds derived from the licensed eligible facility located in the respective parishes.

HB 1944 by Montgomery *(Last Action – Enrolled)*

Provides that the admission fee which the governing authority of Bossier City shall levy for any riverboat located within Bossier City in Bossier Parish shall be four and five-tenths percent of the monthly net gaming proceeds from each riverboat. Provides for the allocation of the funds derived from the assessment of the monthly net gaming proceeds.

SB 1022 by C. Fields *(Last Action – House Committee)*

Would have authorized parishes with a population between 375,000 and 425,000 in which a riverboat is berthed to levy an additional admission fee of \$5 for each passenger boarding or embarking on the riverboat.

Would have required that funds derived from the additional fee be allocated to the governing authority of parishes with a population between 375,000 and 425,000 provided an equal amount is provided for the purpose of supplementing salaries of employees of the governing authority.

Administration of Criminal Justice

CHARITABLE GAMING

HB 1849 by DeWitt *(Last Action – Sent to Governor)*

Authorizes the operating, holding, or conducting of progressive pull-tabs by charitable gaming licensees and provides for a maximum jackpot of \$25,000 for progressive pull-tabs.

HB 169 by Baldone *(Last Action – Sent to Governor)*

Provides that a session for charitable gaming purposes represents authorized games of chance played within a time limit not to exceed six consecutive hours, with a minimum of 12 hours between sessions. A session of keno or bingo when the licensee possesses a special license is limited to six consecutive hours. Sessions are limited to not more than one session per calendar day per licensee. Organizations are not allowed to begin their session until the stated time on their license issued by the office. Selling of pulltabs, bingo paper, or bingo cards constitutes the beginning of a session. Provides that in no instance shall two organizations be allowed to conduct sessions simultaneously at the same location.

CONTROLLED DANGEROUS SUBSTANCES

HB 1011 by Devillier *(Last Action – Enrolled)*

Provides penalties of imprisonment at hard labor for not less than five years nor more than 15 years, or a fine of not more than \$25,000.

Creates the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance.

Provides that a person convicted for this offense may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substance. Provides that the court may order that such amount be paid directly to the governmental agency or agencies that actually incurred the cleanup expense.

HB 2009 by Devillier *(Last Action – Enrolled)*

Provides that it is unlawful for any person to possess 12 grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, or salts of optical isomers. Provides penalties of a fine of not more than \$2,000 and imprisonment, with or without hard labor, for not more than two years, or both.

Provides exceptions to the crime for any person with a valid prescription for those substances, any licensed manufacturer, wholesaler, or distributor, licensed pharmacist,

Administration of Criminal Justice _____

licensed practitioner, and persons possessing the substances for typical medicinal or household use, and certain pediatric products.

AGRICULTURE COMMITTEE

HB 1827 by Thompson (*Last Action – Act No. 145*)

Provides for the certification of farmers and ranchers who have completed the master farmer program. The Department of Agriculture and Forestry will officially certify participants who have completed the LSU Ag Center Master Farmer Program and who have implemented a conservation plan that meets standards set by the U.S. Department of Agriculture, Natural Resources and Conservation Service, the La. Department of Agriculture and Forestry, and the affected soil and water conservation districts. Provides for the curriculum for the master farmer program. Provides that certification will continue as long as the individual maintains his specific comprehensive conservation plan.

HCR 239 by Thompson (*Last Action – Pending Senate introduction*)

Would have created the Louisiana Dairy Industry Task Force. Provided that the task force would study issues affecting fair milk prices and make recommendations to the legislature regarding wholesale milk prices.

HB 948 by Thompson (*Last Action – Act No. 107*)

Prohibits making false statements with regard to ownership interests in land on which forest products are harvested. Prohibits making false statements with regard to the tract name or the property description of the land where the forest products were harvested.

HB 1499 by Pitre (*Last Action – Sent to Governor*)

Prohibits the sale or advertisement of food products as "Cajun" or "Louisiana Creole" unless the food qualifies for the 10% preference for products produced, processed, or manufactured in Louisiana under government public bidding provisions and the Louisiana Procurement Code. Also, the bill provides that food brought into or processed in Louisiana shall not be considered "made in Louisiana" unless the product has been substantially transformed by processing in Louisiana. Provides that trademarks and tradenames legally registered in the state of Louisiana as of May 15, 2003 are exempt from the prohibition.

HB 2013 by Townsend (*Last Action – Sent to Governor*)

Creates the Louisiana Aquaculture Coordinating Council within the Department of Agriculture and Forestry and establishes a procedure for approving a species of finfish as suitable for aquaculture. Provides for the powers, duties, and functions of the council including but not limited to: developing a framework for the aquacultural segment of Louisiana's agriculture industry; promoting aquaculture and aquaculture products; advising

Agriculture

the commissioner on the implementation of regulations; holding hearings on violations. Provides that the commissioner is responsible for rulemaking, issuing licenses and permits, inspections, and enforcement.

HB 56 by Scalise (*Last Action – House Committee*)

Abolishes the state office of rural development and the office of urban affairs and development. Prohibits these offices from being recreated and the powers, functions, duties, and responsibilities thereof from being exercised or reassigned. Authorizes and directs the state treasurer to transfer any unexpended, unencumbered monies remaining in the rural development fund for deposit and credit to the state general fund.

HB 768 by Diez (*Last Action – Act No. 147*)

Requires sugar mills to lock out their scales at 100,000 pounds gross vehicle weight per load of sugarcane. The Act provides that when a vehicle carrying a load of sugarcane exceeds this weight limit, an amount of sugarcane equal to the excess gross weight shall be forfeited by the owner or producer of the sugarcane.

SB 20 by Smith (*Last Action – Act No. 4*)

Provides relative to liability of an owner of a dog that kills, wounds, or harasses livestock. Prior law provided that any owner, harborer, or possessor of any dog that killed, harassed, or wounded sheep, would be liable to the owner of the sheep for the damages sustained. The Act expands prior law to apply to all livestock. Authorizes police juries to enact such ordinances as they deem necessary for the protection of livestock industries in their respective parishes.

HB 1797 by Kenney (*Last Action – Enrolled*)

Prohibits the importation into the state of any black-tailed deer, white-tailed deer, red deer, mule deer, elk, or any animal of the species cervid that has been determined to be susceptible to Chronic Wasting Disease, except as permitted by the commissioner of agriculture and forestry. Requires that an immediate quarantine be imposed by the commissioner when a case of Chronic Wasting Disease is confirmed in an animal.

APPROPRIATIONS

HB 1 by LeBlanc (*Last Action - Enrolled*)

The total budget as adopted totals approximately \$16.8 billion, of which \$6.5 billion is State General Fund.

Passage by Congress of a Federal fiscal relief funding package for states allowed Louisiana to avoid most of the major budget reductions, particularly in health care, which had been proposed in the Executive Budget, while still providing for enhancements in education. Approximately \$250 million in one-time federal fiscal relief in the form of flexible grants and additional Medicaid match was used in the FY 03-04 budget.

A three year defeasance package was adopted which resulted in debt service savings of \$46 million in FY 03-04, \$30 million in FY 04-05, and \$21 million in FY 05-06.

The following is a summary of major funding items in various areas of the state budget.

GENERAL GOVERNMENT

Military Affairs Domestic Preparedness Grants (federal funds)	\$	36 million
Military Affairs Hazard Mitigation Projects (federal funds)	\$	11 million
Office of Urban Affairs and Development (10% reduction from FY 02-03 level)	\$	8.5 million
Office of Rural Development (10% reduction from FY 02-03 level)	\$	7.8 million
Federal funding for election costs from the Help America Vote Act	\$	25 million
Restoration of operational costs and 66 positions in Agriculture & Forestry (\$4.5 million in state funding and \$6 million from fee increases)	\$	10.4 million
State park expansions and restorations	\$	2.9 million
Funding for the Louisiana Purchase Bicentennial celebration	\$	1 million
Funding for the Ground Water Resources Commission in DNR	\$	315,103
Additional state funding for Dept. of Environmental Quality (DEQ) 5 million		\$
Establishment of a Criminal Investigation Section in DEQ	\$	350,251
Funding for Wildlife and Fisheries Enforcement agent pay raises	\$	2.6 million
Federal funding for disaster assistance for shrimpers, seafood industry, and oyster reefs, and funding for non-game species projects	\$	13 million
City of New Orleans for fire, police, sanitation, and other expenses related to presence of land-based casino	\$	1 million

Appropriations

ECONOMIC DEVELOPMENT

Louisiana Technology Park	\$	4.3 million
State General Fund support for the following sporting events:		
Sugar Bowl	\$	1.1 million
NCAA Women's Final Four Championship	\$	500,000
New Orleans Bowl	\$	350,000
Independence Bowl	\$	375,000
Opportunity Fund (EDAP)	\$	4.7 million
National Center for Security Research and Training	\$	500,000
Wet lab expenses (New Orleans and Shreveport)	\$	293,000
Louisiana Gene Therapy Research Consortium	\$	800,000
Northrup-Grumman Ship Systems-Avondale Operations (Stat. Ded.)	\$	3.5 million

PUBLIC SAFETY AND CORRECTIONS

State Police Crime Labs- DNA testing for "No Suspect" forensic cases backlog (state and federal funds)	\$	3.1 million
DNA testing of felony arrestees and convicted offenders (SGF)	\$	4.0 million
Additional funding for State Crime Labs	\$	500,000
Office of Youth Development Contract Beds	\$	24 million
Sheriff's Housing of State Inmates	\$	147 million
Supplemental Pay for Local Law Enforcement	\$	72 million
Office of Motor Vehicles Re-engineering Project (Stat. Ded.)	\$	5.7 million

HEALTH AND HOSPITALS

Using a combination of Federal fiscal relief monies and state funds, appropriations to DHH agencies are, with a few exceptions, in the amounts requested by the DHH. Funding is sufficient to avoid the closure of Developmental Centers and Mental Hospitals as proposed in Executive Budget. Other significant budget actions include:

Public Health

Consolidation of funds for ChildNet, including \$7.8 million of new Medicaid funding for children served by the program	\$	9.6 million
---	----	-------------

Medicaid

Medical vendor payments funding for health care services in FY 03-04 is \$4.506 billion, an increase of 4% over payments for health care services in FY 02-03. Payments for financing purposes will total \$341 million, up sharply from about \$70 million in FY 02-03. Most of this is generated by "overpayments" to the state's hospital facilities.

Federal Fiscal Relief allowed funding of the Medicaid program as projected by DHH, with the following exceptions.

Appropriations

- Drug prescriptions will be limited to eight per month.
- Initial payments for outpatient hospital services are reduced by about 20%.
- Hospital outlier payments are limited to \$17.5 million.
- No funds are allocated for cost report payments.
- The budget does not include an estimated \$5 million for uncompensated care costs (UCC) for the four new hospitals designated as rural hospitals in FY 03-04.

- Major Medicaid spending growth:
- Prescription Drugs \$ 60 million
- Physicians payments \$ 34.8 million
- MR/DD Waiver program (NOW waiver) \$ 52.9 million
- Personal Care Attendant - NEW State Plan Service \$ 28.2 million

(Language in HB 1 directs DHH to seek court approval to provide PCA services through a cost controlled waiver program rather than as a state plan option with potentially unlimited enrollment. However, DHH is also directed to make preparations to deliver these services starting October 1 if the court does not permit the waiver alternative.)

Major Medicaid spending reductions:

- Payments to LSU-HCSD hospitals
- (Medicaid and UCC) (\$111 million)

This reduction reflects the use of "overpayments" as a source of financing the Medicaid Budget in FY 03-04 and the fact that HCSD required a financing bailout of some \$60 million during FY 02-03.

- Payments to LSU-HSC (\$6.8 million)

LSU - HCSD Charity Hospitals

Additional State General Fund to mitigate the Medicaid/UCC cuts described above, and to cover unallowable UCC costs \$ 35.6 million

LSU HCSD also gained substantial management freedom with the passage of SB 867. This bill further reduces direct legislative oversight of the HCSD system and allows it to operate more like a service district hospital.

Appropriations

SOCIAL SERVICES

Temporary Assistance for Needy Families (TANF) Initiatives funding for 02-03 was \$143.9 million, which included a supplemental grant and a performance bonus. FY 03-04 represents the last year of spending down the large block grant balance; thus less funding was available for initiatives. FY 03-04 funding is \$117.8 million and does not yet include any supplemental grant or performance bonus. Major adjustments from FY 02-03 are highlighted below:

TANF Initiatives

Public Early Childhood Education (increased from \$27.7 million)	\$	39 million
Private Early Childhood Education (increased from \$6 million)	\$	8.5 million
After-School Enrichment (increased from \$8 million)	\$	9.5 million
Dropout Prevention (decreased from \$7 million)	\$	4.5 million
Adult Literacy (decreased from \$4 million)	\$	1.5 million
Truancy (same as FY 02-03)	\$	2.4 million
Job Skills (increased from \$8 million)	\$	11.75 million
Microenterprise Development (decreased from \$1 million)	\$	641,666
Incarcerated Job Skills (decreased from \$3 million)	\$	2 million
Post-Release programs (increased from \$4 million)	\$	4.5 million
Teen Pregnancy Prevention (decreased from \$9.5 million)	\$	6.5 million
Domestic Abuse (increased from \$3 million)		\$ 3.166 million
Community Response (decreased from \$6 million)	\$	3 million
Fatherhood Initiatives (decreased from \$3 million)	\$	750,000
Family Strengthening (decreased from \$875,000)	\$	500,000
Drug Courts (same as FY 02-03)	\$	5 million
Non-medical Substance Abuse Treatment (increased from \$4 million)	\$	4.167 million
At-risk Children/Mental Health (same as FY 02-03)	\$	1.75 million
Abortion Alternatives (same as FY 02-03)	\$	1.5 million

Funding for the following 02-03 TANF initiatives were eliminated: Child Literacy (\$4.75 million), Cluster Training (\$5 million), Court-ordered Training (\$1.35 million), Individual Development Accounts (\$2 million), Youth in Transition (\$419,000), Housing Initiatives (\$5 million), Home ownership (\$375,000), Home repair/Delta project (\$1 million), Transportation (\$2 million), and Utility Assistance (\$3 million).

Other Social Services

Child Care Assistance Program (\$5 million SGF match was restored)	\$	21.8 million
Additional funding for personal care attendant services	\$	42,465

Appropriations

HIGHER EDUCATION

Community and Technical College Development Pool	\$	5 million
Gene Therapy Research Consortium	\$	610,180
Higher Education Performance and Quality Pool	\$	5.25 million
Health Care Workforce Development - Nursing and Allied Health allocated to:		
Delgado Community College	\$	1,600,000
La. Health Works Commission	\$	100,000
Southeastern La. University	\$	300,000
LSU, SU, UL and LCTC Systems	\$	700,000
Total	<u>\$</u>	<u>2,700,000</u>
	\$	2.7 million
Endowed Chairs and Professorships	\$	2 million
ULM pharmacy program increased funding	\$	1.5 million
Risk management adjustments	\$	11.9 million
Classified employee merit increases annualized for FY 03	\$	4.96 million
Classified employee merit increases for FY 04	\$	6.04 million
Group Insurance adjustments	\$	15.95 million
Pennington Biomedical Research Center funding increase	\$	1 million
Faculty recruitment for LSUHSC-NO and Shreveport	\$	1.5 million
Center for Development and Learning	\$	925,000
Indigent care at LSUHSC - Shreveport	\$	5.06 million
Debt Service on LSU Charity Hospital Nursing Building	\$	1 million
Louisiana Delta Community College for rent and utilities	\$	425,000
Transfer of Truancy Assessment and Service Centers to higher education	\$	1.93 million
Library, Scientific and Instructional Equipment Acquisitions in Capital Outlay (\$11.5 million in SGF; remainder in bonds)	\$	15 million
Governor's Information Technology Initiative in Capital Outlay (Bond funding)	\$	3 million

ELEMENTARY AND SECONDARY EDUCATION

FY 03-04 Minimum Foundation Program (MFP)	\$	2.523 million
Includes continuation of Support Personnel Pay Raise of \$476 per eligible FTE Support Employee		
Tuition Opportunity Program for Students (TOPS) for 38,255 TOPS awards	\$	103.8 million
K-12 Accountability Initiatives	\$	50 million
Type Two Charter Schools	\$	19.5 million
Learning Intensive Networking Communities for Success (LINCS)	\$	1 million
On-Line Data Base Resources available on the Internet FY 01-02	\$	678,000

Appropriations

2nd Payment to restore MFP funds reduced to 16 school systems in related to pay raise calculation (Supplemental Appropriations Bill)	\$	3.7 million
170 National Board Certification Teacher Stipends	\$	850,000
120 National Board Certification Counselors Stipends	\$	600,000
96 National Board Certification Psychologists Stipends	\$	96,000
Funding for deferred teacher salaries at Northwood Type Two Charter School	\$	300,000

HB 1968 by LeBlanc - Supplemental Appropriations *(Last Action – Sent to Governor)*

Appropriates supplemental funding, and provides for means of financing substitutions and other budgetary adjustments for the operation of various departments for the 2002-2003 Fiscal Year. Provides for net changes in appropriations as follows: State General Fund (Direct) increases by \$248,421; Interagency Transfers increase by \$2,233,205; Fees & Self-generated Revenues decrease by \$9,897,062; Statutory Dedications increase by \$199,786,421; and Federal Funds decrease by \$29,245,329.

HB 1781 by LeBlanc - Judicial Expense Act- *(Last Action – Act No. 54)*

Appropriates total funding of \$110,691,342 for Fiscal Year 2003-2004 from the following sources: \$95,119,393 out of the state general fund (direct), \$9,830,000 through interagency transfers from the Department of Social Services, and \$5,741,949 from statutory dedications out of the Judges' Supplemental Compensation Fund, Trial Court Case Management Fund, and the Patient's Compensation Fund.

Section 1 of the bill provides funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

(1)	Louisiana Supreme Court	\$45,697,784
(2)	Courts of Appeal	30,859,855
(3)	District Courts	25,311,411
(4)	Criminal Court, Parish of Orleans	4,145,846
(5)	Juvenile and Family Courts	1,821,249
(6)	Other Courts (Required by Statute)	2,150,252
(7)	Other Courts (Not Required by Statute)	<u>454,945</u>
TOTAL		<u><u>\$110,441,342</u></u>

Section 2 of the bill provides for \$250,000 out of the state general fund (direct) to supplement the appropriations contained in Section 1 of the bill, which monies will be allocated as approved by the Judicial Budgetary Control Board.

Appropriations

HB 1875 by DeWitt (*Last Action - Sent to governor*)

Provides for expenses of the legislature and its service agencies for FY 03-04 including:

House of Representatives	\$	23,683,142
Senate	\$	13,759,179
Auditor	\$	6,000,000
Legislative Fiscal Office	\$	1,818,095
Louisiana State Law Institute	\$	853,809
Legislative Budgetary Control Council	\$	6,420,465
Legislative Actuary	\$	405,439
Total state general fund	\$	<u>52,940,129</u>

SPECIAL FUNDS

HB 670 by Daniel (*Last Action – House Calendar*)

This proposed constitutional amendment would have placed in the constitution the Medicaid Trust Fund for the Elderly, which is presently established as a special fund in the state treasury. The sources of money for the fund are those monies received by the state as a result of the intergovernmental transfer program based on nursing home services which is operated through the state's Medicaid program, as well as investment earnings on the fund. This constitutional provision would have refined the current statute with respect to use of monies appropriated from the fund and given the fund constitutional protection.

HB 583 by Farrar (*Last Action – Enrolled*)

This constitutional amendment seeks to change the current constitution with respect to the appropriation of monies from the Lottery Proceeds Fund. The current constitution provides that the legislature *may* appropriate from the fund for any purpose. The proposed amendment *requires* the legislature to annually appropriate from the fund for support of the minimum foundation program (MFP) for education, plus no more than five hundred thousand dollars for services related to compulsive and problem gaming as may be provided by law. These provisions place current practice into the constitution. For several years Lottery funds have been used to fund the MFP except for \$500,000 used for compulsive gaming.

HB 844 by Farrar (*Last Action – Senate Calendar*)

This is the statutory companion to House Bill No. 583 by Representative Farrar (Enrolled) which would have changed present law to conform with the proposed constitutional provisions with respect to mandatory appropriation of monies from the Lottery Proceeds

Appropriations

Fund. This would have made the statute reflect current practice with respect to the annual appropriation of monies from this fund.

HB 663 by Pitre (*Last Action – House Committee*)

HB 1289 by Pitre (*Last Action – House Committee*)

SB 568 by Dupre (*Last Action – Enrolled*)

SB 214 by Dupre (*Last Action – Enrolled*)

Proposes to amend the Constitution of Louisiana to authorize an additional purpose for which nonrecurring revenues may be used to include the appropriation for deposit into the Wetlands Conservation and Restoration Fund. Eliminates the cap on mineral revenues that can be part of the balance in that fund. Senate Bill No. 568 is the statutory companion that reflects the changes proposed to the constitution.

SB 213 by Dardenne (*Last Action – Enrolled*)

SB 504 by Dardenne (*Last Action – Enrolled*)

Proposes to amend the Constitution of Louisiana to establish the Louisiana Coastal Restoration Fund in the state treasury. Provides if, after July 1, 2003, the state securitizes any remaining portion of the revenues received from the Master Tobacco Settlement Agreement, the treasurer shall transfer to the Louisiana Coastal Restoration Fund from the Millennium Trust Fund up to twenty percent in the aggregate of the revenues received as a result of the securitization of the Master Tobacco Settlement Agreement based on the certain criteria.

SB 1025 by Dardenne (*Last Action – Sent to Governor*)

Senate Bill No. 1025 provides the authority to securitize the entire income stream from the tobacco settlement with the approval of a majority vote of the legislature and requires the state treasurer to, immediately upon closing of the sale or sales, report final terms and conditions of the sale to the legislature. Under this Act, the State Bond Commission will be required to declare its intent, by granting preliminary approval and authorization, to sell or convey up to 100% of the state allocation to the Tobacco Settlement Financing Corporation in one or more series.

HB 1776 by Montgomery (*Last Action – Enrolled*)

HB 88 by Strain (*Last Action – Enrolled*)

HB 1304 by Stelly (*Last Action – Sent to the governor*)

HB 1492 by Montgomery (*Last Action – Senate Committee*)

SB 828 by Boissiere (*Last Action – Act No. 352*)

Senate Bill No. 828 authorizes the conduct of slot machine gaming at the eligible live horse racing facility in Orleans Parish. Establishes the Orleans Parish Excellence Fund in the state treasury. This fund will receive 5% of the tax proceeds derived from the conduct of slot

Appropriations

machine gaming at the Orleans track. Monies in the fund are to be used to fund the construction and operation of an Allied Health and Nursing program in Orleans Parish.

House Bill No. 88 changes the dedication of 5% of the state tax revenues derived from the conduct of slot machine gaming at the eligible live horse racing track in Bossier Parish to fund the Bossier Parish Truancy Program Fund. Monies in this fund are to be used to support the truancy program run by the district attorney for the 26th Judicial District.

House Bill No. 88 also establishes the following new dedications to be paid out of the state tax revenues derived from the conduct of slot machines gaming at eligible live racing tracks.

1. \$750,000 annually to the Equine Health Studies Program Fund to be used to support the Equine Health Studies Program at the LSU School of Veterinary Medicine.
2. \$500,000 annually to the Bind and Visually Impaired Fund to be appropriated to the Lighthouse for the Blind in New Orleans, Inc.
3. \$200,000 annually to the Beautification and Improvement of the New Orleans City Park Fund to be used to support improvement and beautification of New Orleans City Park.
4. \$750,000 annually to the Southern University AgCenter Program Fund to be used to support programs at the Southern University AgCenter.

House Bill No. 1776 changes the dedication of monies in the St. Landry Parish Excellence Fund which is to receive 5% of the state tax revenues derived from the conduct of slot machine gaming at the eligible live horse racing track in St. Landry Parish. The monies in the fund will be used by the St. Landry Parish School Board for elementary and secondary education, the construction and operation of a Career and Technology Center in the parish, and/or the enhancement and expansion of existing vocational and technical programs and curricula.

House Bill No. 1304 changes the dedication of 5% of the state tax revenues derived from the conduct of slot machine gaming at the eligible live horse racing track to the Calcasieu Parish Fund. Monies in the fund are to be appropriated 60% to the Calcasieu Parish School Board, 30% to McNeese State University, and 10% to Sowela Technical Institute.

Appropriations

STATE PROCUREMENT AND CONTRACTS

SB 133 by Hoyt (*Last Action – Enrolled*)

SB 1111 by Schedler (*Last Action – Enrolled*)

Senate Bill No. 133 by Senator Hoyt makes inapplicable any preference for certain expanded clay aggregate products produced in the state and specifies that such provision shall not apply to the preferences for brick manufacturers. Senate Bill No. 1111 redefines the definition of a "Louisiana product" to include mined products and requires the state to give a preference to Louisiana printed products when making such purchases. The preference given to Louisiana printed products sunsets August 15, 2004.

CIVIL LAW AND PROCEDURE

PROPERTY - COASTAL RESTORATION

HB 424 by Pitre

Constitutional Amendment (*Last Action – Enrolled*)

Authorizes the legislature to limit the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities.

HB 531 by Pitre (*Last Action – Sent to Governor*)

Provides that because of the catastrophic loss of coastal Louisiana, the full police power of the state shall be exercised and compensation paid for the taking of, or loss or damage to, property and is limited to the basis provided in the Fifth Amendment of the Constitution of the United States. The Constitution of the United States provides that no person shall be deprived of life, liberty, or property without due process of law, and private property shall not be taken for public use without just compensation.

HB 766 by Pitre (*Last Action – Enrolled*)

Reenacts present law, in accordance with Art. XII, §10 of the Constitution of Louisiana, to provide that the state shall be held free and harmless from any claims for loss or damages to rights arising under any lease, permit, or license granted to any individual or other entity for any purpose on state lands or water bottoms for any actions taken for coastal restoration.

HB 428 by Pitre (*Last Action – Failed to Pass/House*)

Would have required suits against the state, any agency, or instrumentality, related to coastal restoration, other than suits for personal injury or death, be brought in the 19th Judicial District Court in East Baton Rouge Parish.

PROPERTY- EXPROPRIATION

HB 2007 by Landrieu (*Last Action – Sent to Governor*)

Provides the procedures for the expropriation by a declaration of taking of abandoned and blighted property by municipalities with a population greater than 450,000, and for the sale and vesting of clear title to third persons.

Civil Law and Procedure

JURY TRIALS

HB 2008 by Ansardi *(Last Action – Sent to Governor)*

Provides that a prospective juror may apply for a 24-month waiver of service if he has a mental or physical condition which causes him to be incapable of performing service or if the service would cause any undue or extreme physical or financial hardship to the juror or a person under his supervision. Allows prospective jurors, one time only, to postpone the date of their initial appearance for service for any reason, as long as the juror fixes a date certain on which he will appear for service that is not more than six months after the date he was originally called to serve.

HB 842 by Ansardi *(Last Action – House Committee)*

HB 635 by Hutter *(Last Action – House Committee)*

Would have increased the amount required for a right to trial by jury from \$50,000 to \$75,000.

HB 136 by Baldone *(Last Action – House Committee)*

Would have increased the amount required for a right to trial by jury from \$50,000 to \$100,000.

HB 521 by Johns *(Last Action – House Committee)*

Would have lowered the monetary amount required for a jury trial from \$50,000 to \$10,000.

HB 486 by Johns *(Last Action – House Calendar)*

Would have allowed the aggregation of all of the causes of action of one or more petitioners in order to meet the \$50,000 requirement to be entitled to a trial by jury.

HB 398 by Baldone *(Last Action – Conference Committee Report Rejected/ House and Senate)*

Would have increased maximum required deposit for a jury trial from \$300 per day for each day the court estimates the trial will last, to \$3,500 for the first day, \$350 for each day thereafter, not to exceed \$7,500 for the entire duration of the trial.

PROCEDURE

HB 1051 by Hebert (*Last Action – Enrolled*)

Provides that if the court determines the suit or the defense to the suit is frivolous, the non-prevailing party shall pay all court costs and reasonable attorney fees of the other party.

HB 946 by Johns (*Last Action – Failed to Pass/House*)

Would have prohibited interest from accruing against the state prior to the rendering of a final judgment, and once final judgment was rendered, interest would have run at 6% per annum, unless the judgment was paid within one year of the date the judgment became final, in which case, no interest would run against the state.

HB 1401 by Johns (*Last Action – House Committee*)

Would have created additional procedures for maintaining a suit claiming damages for exposure to asbestos by creating active and inactive dockets, by prioritizing claims, and by allowing those with more serious injuries on the active docket, and by placing those with less serious injuries on the inactive docket.

SB 104 by Barham (*Last Action – Act No. 470*)

Exempts from seizure \$7,500 in equity value for one motor vehicle per household, used by the debtor and his family household for any purpose.

HB 64 by Baldone (*Last Action – Sent to Governor*)

Requires the date of birth of all parties against whom a money judgment is rendered to be included in the judgment if the date of birth is known by the attorney preparing the judgment.

HB 249 by Bowler (*Last Action – House Calendar*)

Would have repealed the statute allowing for the right of direct action against an insurer when service of citation or other process cannot be made on the insured or when the insurer is an uninsured motorist carrier.

MEDICAL MALPRACTICE

HB 1408 by DeWitt (*Last Action – Sent to Governor*)

Requires that certain minimum information be included in a request for review of a medical malpractice claim by a medical review panel, and also requires the claimant to pay a filing

Civil Law and Procedure

fee of \$100 per named defendant. Provides procedures for the waiver of the filing fee upon the presentation of an affidavit from a physician certifying the validity of the claim or upon the presentation of an in forma pauperis ruling by a district court, and provides that failure to timely pay the filing fee or obtain a waiver of the filing fee shall render the malpractice claim invalid and without effect.

HB 1549 by DeWitt (*Last Action – Enrolled*)

Provides that the Patient's Compensation Fund Board shall have, at a subsequent trial, an opportunity to conduct discovery, retain expert witnesses, and prepare a defense, and that the board shall have the right to a jury trial. Provides that the board may assert a claim against any qualified health care provider and may assert a credit or offset for the allocated percentage of fault of a qualified health care provider under certain conditions.

HB 2014 by Walsworth (*Last Action – Enrolled*)

Requires the appointment of an attorney chairman of a medical review panel within one year from the date the request for review of the claim is filed. Provides that failure to timely appoint the attorney chairman shall result in the dismissal of the claim. Provides, under certain circumstances, for posting of a bond and for the payment of the costs of the medical review panel by the party against whom the panel rendered a unanimous verdict.

SB 748 by Hainkel (*Last Action – Act No. 506*)

Provides that the right of action for the violation of the nursing home Resident's Bill of Rights is a private right of action in which only injunctive relief, in addition to reasonable attorney fees and costs of the action, may be awarded, and that the remedies available under the Resident's Bill of Rights shall not be construed to restrict other legal and administrative remedies.

HB 1243 by Hunter (*Last Action – House Committee*)

Would have increased the limitation of recovery for medical malpractice claims from \$500,000 to \$1,757,000.

CHILDREN-SUPPORT, CUSTODY, ADOPTION

HB 140 by Ansardi (*Last Action – Sent to Governor*)

Provides a procedure whereby a pregnant person or the mother of a child may execute a nonbinding intent to surrender her child for adoption before the actual surrender process begins. The purpose of the intent to surrender for adoption procedure is so that planning for

Civil Law and Procedure

the child may begin and early notice may be given to any alleged or adjudicated father of the mother's intent to surrender the child for adoption.

HB 243 by Ansardi (*Last Action – Sent to Governor*)

Revises the safe-haven provisions for the relinquishment of newborns to provide a mechanism for the safe, anonymous relinquishment of a newborn without fear of prosecution. Provides a list of designated emergency care facilities as drop off locations for the relinquishment of newborns and specifically provides that the relinquishment of a child in accordance with this procedure is not considered a criminal act. Requires the emergency care facility to offer the relinquishing parent information regarding counseling and how to reclaim parental rights. Also provides procedures for the termination of parental rights so that the Department of Social Services may begin permanency planning for the newborn.

SB 290 by Smith (*Last Action – House Calendar*)

Would have provided that in a joint custody order, if the nondomiciliary parent requests at least 160 days of visitation, the court may order that amount or more if it is in the best interest of the child.

HB 365 by Gary Smith (*Last Action – Enrolled*)

Authorizes the court to judicially suspend an individual's licenses if he fails to pay court ordered child support on a regular basis, remits payments only after continuous requests or legal action, or remits only de minimis amounts of support.

HB 448 by Triche (*Last Action – House Calendar*)

Would have updated the child support guidelines for combined monthly gross incomes between \$750-\$11,150 according to 1999 economic and tax data.

SB 983 by Dardenne (*Last Action – Sent to Governor*)

Provides that sexual abuse of the child, any other child of the parent, or any other child in the household shall constitute grounds for the termination of parental rights.

SB 1052 by Hines (*Last Action – House Calendar*)

Would have: provided procedures and requirements for the entering into of a gestational surrogacy contract; required court approval and the issuance of a Pre-Conception Order before the surrogate becomes pregnant; required a Post-Birth Order once the child has been born; required the surrogate to relinquish all rights related to the child; recognized the genetic parents as the legal parents of the child; and provided a mechanism for the termination of the contract.

Civil Law and Procedure

SB 931 by Ellington *(Last Action – Sent to Governor)*

Reduces the peremptive period in which to bring an action to annul an adoption from 2 years to 1 year.

LIMITATIONS OF LIABILITY

HB 1035 by Johns *(Last Action – Senate Calendar)*

Would have prohibited all persons, except a forced heir, from recovering damages against the state, a state agency, or a political subdivision for the injury or death of the operator of a motor vehicle, when the intoxication of the operator of the motor vehicle was a cause of the injury or death of the operator.

HB 518 by Johns *(Last Action – Act No. 158)*

Limits the liability of any manufacturer, distributor, or seller of a food or nonalcoholic beverage from injuries or death resulting from weight gain, obesity, or such related health conditions which result from an individual's long-term consumption of a food or non-alcoholic beverage.

HB 519 by Johns *(Last Action – Senate Committee)*

Would have limited the liability of participants in Louisiana's statewide "Amber Alert" system who transmit or display, or who fail to transmit or display, information concerning an abducted child.

SB 684 by Ullo *(Last Action – Sent to Governor)*

Authorizes any elected coroner or his support staff, when accompanied by a law enforcement officer, to obtain a court order in order to forcefully enter any dwelling, vehicle, water craft, aircraft, or other structure in order to restrain and transport a person subject to a protective custody order, and provides an immunity from civil liability for any elected coroner or his support staff if the person subject to the protective custody order is injured by the coroner or his support staff while being taken into protective custody.

SB 685 by Ullo *(Last Action – Sent to Governor)*

Provides a general immunity from civil liability for any elected coroner or his support staff for damages resulting from any act, decision, omission, communication, written report, finding, opinion, or conclusion, or any act or failure to act, performed or made in good faith while engaged in or performance of their duty.

MORTGAGES

HB 358 by Baldone (*Last Action – House Committee*)

Would have required the mortgagee (lender) to provide necessary documentation to the clerk of court or ex officio recorder of mortgages for the cancellation of a mortgage within 30 days of receipt of full payment of the loan.

SB 458 by Dupre (*Last Action - Act No. 494*)

Requires a mortgagee, servicing agent, or holder of a note to execute and deliver documentation, including the original note or notes, and instructions regarding the cancellation of the mortgage inscription to the mortgagor or his agent within 60 days of receipt of full payment of the balance owed on the debt.

SB 22 by Marionneaux (*Last Action – House Committee*)

Would have prohibited any financial institution, retail merchant, or other person from mailing or delivering any unsolicited credit card application in this state. Would have required the mortgagee (lender) to provide documentation to the clerk of court or ex officio recorder of mortgages for the cancellation of a residential mortgage within 60 days of receipt of full payment of the loan if the mortgagor (borrower) pays the actual filing fees.

MARRIAGE

SB 565 by Irons (*Last Action – Act No. 255*)

Provides that an officiant authorized to perform marriage ceremonies in the parish of Orleans may waive the 72-hour delay between the issuance of the marriage license and the marriage ceremony for non-resident parties.

SUCCESSIONS

HB 1145 by Hutter (*Last Action – Sent to Governor*)

Provides that the spouse of a legatee may not be a witness to a testament. However, if the spouse of the legatee does witness the testament, the legacy to the other spouse is invalid, but the testament is not otherwise invalidated.

Civil Law and Procedure

BIRTH CERTIFICATES / NAME CHANGES

HB 876 by Johns (*Last Action – Enrolled*)

Provides that the surname of an illegitimate child shall be the mother's maiden name, but if the natural father is known and if both the mother and natural father agree, the surname of the child may be that of the natural father or a combination of the surname of the natural father and the maiden name of the mother.

HB 1331 by Winston (*Last Action – Enrolled*)

Authorizes the mother or natural father of an illegitimate child to submit a certified copy of DNA test results establishing the paternity of the biological father in order to have the full name of the biological father placed on the birth certificate of the illegitimate child.

SB 386 by Schedler (*Last Action – Act No. 489*)

Allows any person who has attained the age of majority to file a petition for name change in the district court of the parish of his residence, the parish of his birth, or the parish of proper venue for the Vital Records Registry.

NOTARIES

HB 737 by Baldone (*Last Action – Enrolled*)

Increases the bond required to maintain a notary commission from \$5,000 to \$10,000 and allows a notary to maintain a minimum of \$10,000 in errors and omissions coverage in lieu of a bond.

HB 855 by Bruneau (*Last Action – Failed to Pass/House Committee*)

Would have created the Louisiana Notary Public Examination and Standards Commission which would have been authorized to implement and enforce standards and rules of conduct of notaries and to implement and administer a statewide uniform examination for persons required to take an exam in order to obtain a notary commission. Would have provided for the filing of an annual report with the secretary of state and for the collection of certain fees for the filing of the annual report and for taking the statewide uniform examination.

HB 1617 by Devillier (*Last Action – Sent to Governor*)

Requires an authentic act, executed before a notary public, to include the typed or hand printed name immediately beneath the signature of each person signing the act. Provides that

the failure to include the typed or hand printed name of each person signing the act shall not affect the validity of the act.

HB 1854 by Bowler (*Last Action – Enrolled*)

Requires that the notary identification or bar roll number of the notary be included on every document executed by the notary and that all non-attorney notaries file an annual report with the secretary of state. Provides that the secretary of state, with the advice and assistance of the parish notary examining committees, develop uniform statewide standards for notarial examinations. Clarifies that all acts executed by an ex officio notary which are not directly related to the operation of the office in which the person is an ex officio notary shall be null and void.

COMMERCE

BANKING

HB 1234 by Pinac *(Last Action – Sent to Governor)*

Authorizes state banks to make and facilitate "refund anticipation loans" and to assess interest charges and fees associated with refund anticipation loans to the same extent as a state-chartered bank in any other state or by a bank chartered under the laws of the United States.

BUSINESS ENTITIES

HB 975 by Schneider *(Last Action – Act No. 335)*

Provides that a firm that is a sole proprietorship, a singlemember limited liability company, a single-shareholder professional accounting corporation, or any other single-owner business entity licensed to practice public accounting by the state of La. may continue to operate for a period of up to 12 months following the date of death of the owner.

CONSUMER PROTECTION

HB 316 by Daniel *(Last Action – Failed to Pass/House)*

Provides that admission tickets to athletic contests or other forms of amusement shall have the price printed on the face of the ticket but deletes the prohibition against selling such tickets for an amount in excess of the ticket price.

HB 515 by Pinac *(Last Action – Enrolled)*

Revises the Credit Reporting Services Organization Act. Requires persons operating a credit repair service to obtain a license from the commissioner of the Office of Financial Institutions and pay an application fee of \$500.

HB 973 by Diez *(Last Action – Enrolled)*

HB 434 by Diez *(Last Action – House Committee)*

Provides for protection for the victims of identity theft. Provides for filing police reports, information to be made available by creditors, security alerts, and damages. Requires each creditor who grants credit as a result of information which was obtained through an identity theft shall make available to the victim of the identity theft certain information in the possession of the creditor which the victim needs to undo the effects of the identity theft.

COMMERCIAL REGULATION**HB 310 by Pinac** *(Last Action – Sent to Governor)*

Requires the licensure of locksmithing services companies, locksmiths, locksmith shop technicians, and locksmith apprentices by the state fire marshal. Requires licensure of persons who install and maintain access control and closed circuit television alarm systems.

HB 943 by Flavin *(Last Action – Act No. 333)*

Expands the definition of "owner" under the New Home Warranty Act to include heirs, invitees, and assigns to a home. Provides that mold and mold damage shall not be warranted by a builder. Provides that the New Home Warranty Act provides the exclusive preemptive periods between builders and owners relative to home construction.

HB 1007 by Bruneau *(Last Action – Conference Committee)*

Provides for the licensure of crematory authorities and crematory retort operators by the Louisiana State Board of Embalmers and Funeral Directors. Regulates the practice of cremation and the disposition of cremated human remains.

HB 1202 by Futrell *(Last Action – Senate Calendar)*

Provides for the state Licensing Board for Contractors to license and regulate individuals who install and service heating, ventilation, air conditioning, and refrigeration equipment.

HB 1328 by Pinac *(Last Action – Enrolled)*

Requires the licensure of all persons engaged in the practice of mold remediation. Licenses shall be issued by the State Licensing Board for Contractors.

DEPARTMENT OF ECONOMIC DEVELOPMENT**SB 888 by Dardenne** *(Last Action – Sent to Governor)***HB 1152 by Pinac** *(Last Action – House Committee)*

Creates the "Louisiana Major Projects Development Authority" as a statewide political subdivision of this state. provides that the authority, through its board of directors, is designated and empowered to act on behalf of the state in submitting project site proposals for projects eligible for assistance, subject to legislative approval. Further provides that the authority is empowered to take all steps appropriate or necessary to effect the siting, development, and operation of a project within the state, including the negotiation of a price for the site.

Commerce

HB 1974 by Hammett *(Last Action – Senate Committee)*

Creates the Louisiana Retention & Modernization Program Act to provide incentives for businesses which are likely to relocate to other states to remain in Louisiana and to provide incentives for certain businesses to modernize their Louisiana operations.

ELECTRIC UTILITIES

HB 789 by Daniel *(Last Action – Passed the Senate)*

Enacts the La. Renewable Energy Development Act to allow and encourage the use of net energy metering in Louisiana. Defines the term "net energy metering" to mean measuring the difference between electricity supplied by an electric utility and the electricity generated by a net energy metering customer and sold back to the electric utility over the applicable billing period.

TELECOMMUNICATIONS

HB 150 by Tucker *(Last Action – Senate Calendar)*

Prohibits a telephonic subscriber conducting business in this state from making a telephonic solicitation to any wireless telephonic subscriber residing in this state. It further provides that a person or entity offering wireless service shall not be held responsible for the transmission of a solicitation to a subscriber, unless the solicitation is transmitted at the direction of that person.

SB 909 by Cain *(Last Action – Pending in Conference Committee)*

Requires the La. Public Service Commission to promulgate necessary rules and regulations in order to comply with federal regulations which prohibit a telemarketer from making wireless telephonic solicitations.

HB 173 by Pinac *(Last Action – Sent to Governor)*

Exempts from the "do not call" listing law those telephonic solicitations which result from referrals when the solicitor does not complete the sales presentation during the solicitation but intends to do so in a face-to-face meeting.

HB 684 by Pinac *(Last Action – Act 353)*

Provides that communications made on behalf of a political candidate, communications made for the purpose of conducting political polls, and communications made by newspapers qualified to be official journals are exempt from complying with the "do not call" listing law.

HB 2015 by LaFleur *(Last Action – Senate Calendar)*

Provides that any sender of unsolicited commercial e-mail ads either from Louisiana to a Louisiana electronic mail address shall do the following:

- (a) Maintain a functioning return e-mail address to which a recipient may reply to indicate that he no longer wishes to receive any further unsolicited mail.
 - (b) Maintain a functioning website at which a recipient may request his removal from the sender's mailing list.
 - (c) Clearly disclose in the advertisement that the recipient has the right to decline to receive further unsolicited advertisements and that the recipient may decline to receive such advertisements by sending a message via the functioning return e-mail address, and the functioning return address.
 - (d) Include the characters "ADV:" in the subject line.
 - (e) Include the characters "ADV:ADLT" in the subject line if the ad contains obscene material.
- (2) Prohibits a person from knowingly transmitting unsolicited e-mail ads under the following circumstances:
- (a) The ad contains or is accompanied by a third party's domain name without permission of the third party.
 - (b) The ad contains or is accompanied by falsified header information.
 - (c) The ad does not contain the notice required under proposed law.
 - (d) 21 business days after the recipient has informed the sender that he no longer wishes to receive further unsolicited ads from such sender.
 - (e) An employer has informed the sender not to send further unsolicited ads to his employees' work e-mail addresses.

SB 90 by McPherson *(Last Action – House Calendar)*

Allows residential or business Internet electronic mail subscribers to be placed on a "no junk mail" listing, which indicates that the subscriber does not wish to receive electronic mail solicitations. The subscriber must notify the Public Service Commission (PSC) that he wishes to be placed on the listing. The listing will be renewed every five years upon receipt of a renewal notice.

Commerce

HB 1183 by Pinac (*Last Action – Act No. 114*)

Requires the Public Service Commission to establish a regionally based statewide 211 information and referral system based upon recommendations provided to it by a "211 Planning Advisory Board". The 211 number will be used for access to community service programs such as housing assistance, utility bill payments assistance programs, food pantries, counseling, legal aid, hospice services, services for the aging, substance abuse programs, physical abuse programs, and sexual abuse programs.

EDUCATION

MINIMUM FOUNDATION PROGRAM (MFP)

HCR 235 by Crane (*Last Action – Enrolled*)

Provides for legislative approval of the formula for FY 2003-2004 to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems as developed and adopted by the State Board of Elementary and Secondary Education (BESE). MFP costs for FY 2003 are \$2.466 billion (as contained in the FY 02-03 MFP budget letter). Implementation of HCR 235 for FY 2004 is estimated by the state Department of Education to cost \$2.532 billion.

Also:

- (1) Increases the base per pupil amount from \$3,276 to \$3,366.
- (2) Retains the weights for add-on student units for at-risk students, vocational education units, special education, gifted and talented, and economy of scale, using the same definitions.
- (3) Retains provisions for annual adjustments in per pupil amount.
- (4) Provides a supplemental allocation to each local school system to ensure continued funding of the 2001-2002 certificated staff pay raise based on their prior year per pupil amount times their current year October 1 membership.
- (5) Provides a supplemental allocation to each local school system to ensure continued funding of the 2002-2003 support worker pay raise based on their prior year per pupil amount times their current year October 1 membership.
- (6) Retains a required expenditure of 70% of all school system general fund expenditures on instruction and retains guidelines for defining instruction.
- (7) Specifies that 50% of a district's increase in Level 1 and Level 2 state funds over the prior year (after adjusting for increases in student membership) shall be used for supplements and enhancements of full-time certificated staff salaries and retirement benefits.

Education

Relative to school and district accountability:

- (1) Provides that any district that includes in its October 1 membership a student who transferred from a Corrective Action II or Corrective Action III school in another district, attended the CA II or CA III school in the immediate preceding year before transferring, and transferred to an academically acceptable school in accordance with BESE accountability transfer policy will receive additional funding equal to the current year MFP state-average local share per pupil for each such student as long as the student is enrolled, limited to a maximum of three years.
- (2) Provides for a report to be submitted to the House and Senate education committees by April 1 of each year on each school with a school performance score below the state average and annual growth of less than 5 points. Specifies that the report include information on school data, accountability data, fiscal data, student demographic data, teacher data, and staffing data.
- (3) Prohibits MFP funding for students attending a CA III school that has not met the minimum growth and does not have a BESE-approved reconstitution plan.
- (4) Prohibits MFP funding for any staff assigned to a CA III school that has not met the minimum growth and does not have a BESE-approved reconstitution plan.

HB 547 by Faucheux (*Last Action – Failed to Pass/House*)

HB 674 by Erdy (*Last Action – House Committee*)

Proposed constitutional amendment to permit legislative amendment of the MFP formula adopted by BESE prior to approval of the formula by the legislature.

SB 578 by Fontenot (*Last Action – Sent to Governor*)

Provides that the legislature may by majority vote of the House and Senate return and recommend an amended MFP formula to BESE. Relative to required annual submission of the BESE-adopted MFP formula to the Joint Legislative Committee on the Budget and to the House and Senate education committees, provides that a copy be submitted to each member of such committees.

ACCOUNTABILITY/FAILED PUBLIC SCHOOLS

SB 710 by Theunissen (*Last Action – Act No. 9*)

HB 1660 by Crane (*Last Action – House Calendar*)

Authorizes BESE to provide for the operation of failed schools, including receiving, controlling, and expending certain funds. Establishes and provides for the governance and

operation of the Recovery School District and establishes and provides for Type 5 charter schools.

SB 225 by Theunissen (*Last Action – Enrolled*)

HB 629 by Crane (*Last Action – House Calendar*)

Constitutional amendment authorizing BESE to supervise, manage, and operate any public elementary or secondary school determined to be failing or to provide for others to do so. Also authorizes the board to receive, control, and expend state MFP money and local money contributed pursuant to the MFP or otherwise in amounts calculated based on the number of students in attendance in such a school, all in the manner and in accordance with law.

ACCOUNTABILITY/OTHER

SB 231 by Theunissen (*Last Action – Enrolled*)

Relative to the School and District Accountability Fund (established to provide a source of funding for school performance rewards as part of the accountability program), permits use of excess appropriated amounts for school improvement purposes provided the reallocation is approved by the Joint Legislative Committee on the Budget.

TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

HB 347 by Gary Smith (*Last Action – Act No. 401*)

Permits Opportunity, Performance, and Honors awards recipients who successfully complete an academic undergraduate degree in less than eight semesters (the maximum period for which an award may be made) to be eligible, under specified circumstances, to continue to receive award benefits for any remaining semesters(s) not used at the undergraduate level, provided the student pursues a postgraduate academic graduate degree at an eligible institution. Provides for certain limitations relative to the amount of award benefits.

SB 46 by McPherson (*Last Action – Act No. 63*)

HB 1336 by Daniel (*Last Action – House Calendar*)

Permits (under specified conditions and in accordance with certain limitations), subsequent use of certain TOPS awards at eligible La. institutions by otherwise qualified students who have previously enrolled as first-time freshmen in out-of-state colleges or universities.

HB 549 by Futrell (*Last Action – Enrolled*)

Provides, beginning with students who graduate during the 2001-2002 school year, an additional means by which a dependent student can demonstrate residency by meeting

Education

specified enrollment and attendance criteria at certain La. high schools if the student has a parent or court-ordered custodian who is a resident of a state adjoining La. and the parent or legal guardian resides in a municipality having geographic boundaries that include a portion of La. and has filed a La. state income tax return or is assessed ad valorem taxes on property owned in La.

Provides that the ACT composite score needed by a student to be eligible for an Opportunity Award shall never be less than 20.

HB 439 by Martiny (*Last Action – Enrolled*)

Effective with the 2003-2004 award year and thereafter, permits an otherwise qualified high school student who completes 10 or more honors, gifted, or advanced placement courses, or any combination of such courses, has a minimum cumulative grade point average of 3.00 on a 4.00 scale, and has an ACT composite score of at least 24 (or an equivalent SAT) to qualify for a Performance Award under specified circumstances, including that the high school awards grades for such courses on a 4.0 scale or higher.

Authority for new awards under these provisions “sunsets” after the 2005-2006 school year.

HB 644 by Crane (*Last Action – House Committee*)

Permits certain students receiving high school equivalency diplomas from the state Dept. of Education during the 2003 calendar year or in subsequent years to be eligible for TOPS-Tech and Opportunity awards provided the students meet specified criteria, including that the student has obtained an ACT/SAT composite score which is at least three points higher than that required for a student graduating from a La. public high school.

HB 535 by Bowler (*Last Action – House Committee*)

Permits certain students not initially eligible for an Opportunity Award due to specified high school academic deficiencies to be eligible for the award for not more than four semesters based on the student meeting, at the end of the student's second academic year at an eligible college or university, all requirements established for a person who initially receives an Opportunity Award to continue to receive the award and the student continues to meet all such requirements.

HB 1364 by Honey (*Last Action – House Committee*)

Permits certain students not initially eligible for an Opportunity Award due to insufficient ACT or SAT test scores to be eligible for the award for not more than six semesters based on the student meeting, at the end of the student's first academic year at an eligible college or university, all requirements established for a person who initially receives an Opportunity

Award to continue to receive the award and the student continues to meet all such requirements.

SB 364 by Theunissen (*Last Action – Act No. 214*)

Revises the required duration of residency from 24 months prior to graduation to the last two academic years prior to the student's graduation. Also revises citizenship requirements.

HB 98 by John Smith (*Last Action – Act No. 81*)

HB 435 by Downer (*Last Action – House Committee*)

SB 7 by Theunissen (*Last Action – House Calendar*)

Relative to eligibility requirements for an award to a dependent child of a nonresident on active duty with the U.S. armed forces who is stationed in La. under permanent change of station orders, provides (in addition to other requirements) that such nonresident must change his military records to establish La. as his official state of legal residence within 180 days after reporting to such station rather than 60 days.

HB 1657 by Honey (*Last Action – Enrolled*)

Increases (for students graduating from high school during the 2007-2008 school year and thereafter) the number of units of the specified high school core curriculum that a student must successfully complete to be eligible for Opportunity, Performance, and Honors awards from 16 ½ units to 17 ½ units, increases the number of required units for certain computer courses from one-half unit to one and one-half units, and deletes provision permitting substitution of certain other courses.

HB 278 by Crane (*Last Action – Failed to Pass/House*)

Increases (for students graduating from high school during the 2007-2008 school year and thereafter) the number of high school core curriculum units that must be successfully completed by a student for eligibility for an Opportunity, Performance, or Honors award from 16-1/2 units to 18-1/2. Requires that the additional two units be from math, science, and social science core curriculum courses, advance placement courses, and college or university courses taken for postsecondary education credit from an accredited college or university.

SCHOOL CHOICE/VOUCHERS

HB 1337 by Crane (*Last Action – House Committee*)

Establishes the Vouchers for Students in Failing Schools Pilot Program as a four-year program beginning with the 2004-2005 school year. Provides for program purposes and

Education

eligibility requirements for participating students and nonpublic schools. Further provides for the issuance and value of educational vouchers to parents of eligible students and for program administration and implementation by the state Dept. of Education.

HB 1739 by Tucker (*Last Action – House Committee*)

Establishes the Vouchers for Students in Failing Schools Pilot Program as a four-year program beginning with the 2004-2005 school year. Provides for program purposes and eligibility requirements for participating students in parishes with a population of at least 475,000 persons. Provides eligibility requirements for nonpublic schools. Further provides for the issuance and value of educational vouchers to parents of eligible students and for program administration and implementation by the state Dept. of Education.

HB 854 by Bruneau (*Last Action – House Committee*)

Establishes the La. Education Voucher Program. Provides for the program to be phased in starting with kindergarten in the first year (2004-2005) and adding one grade each subsequent school year through full implementation in the 2016-2017 school year. Requires that a voucher provide tuition at any BESE-approved nonpublic elementary or secondary school on behalf of any school age student who is a resident of the state. Requires voucher amounts to be paid on behalf of the student by the state division of administration.

HB 1771 by Lancaster (*Last Action – House Committee*)

SB 985 by Michot (*Last Action – Senate Committee*)

Establishes the La. Parental Choice in Education Program to provide for state-funded vouchers, called scholarships, or state-funded tutorial grants to the parents of any child who is either: (1) assigned to attend a public elementary or secondary school which is in Corrective Action II or III (or other similar BESE designation of a failing school) and whose family has a gross annual income of 200% or less of the federal poverty guideline, or (2) enrolled in a TANF-funded pre-K in either a public school or a BESE-approved private school. Provides that such a parent is eligible to place his child in any grade kindergarten through eight in: (1) either a participating public school in the same system as the failed school, or (2) a participating public school in an adjoining system, or (3) a charter school that may accept the student pursuant to its charter, or (4) a participating eligible private school. Provides that the parent shall receive a scholarship certificate to pay the cost of enrolling the student in a public school in an adjoining system or a charter school or to pay the cost of the private school. Provides that the parent shall receive a grant to pay for tutorial assistance for a student who remains in his original school. Creates the La. Parental Choice in Education Commission as an independent state agency to manage the program.

SB 1037 by Hainkel (*Last Action – Senate Committee*)

Establishes the La. Parental Choice in Primary Education Program as a pilot program beginning in the 2003-2004 school year for payment of the tuition and mandatory attendance costs for children who are eligible for free or reduced lunch for four-year-old early childhood education classes or kindergarten through third grade in participating private schools. Permits only those children who are eligible and reside with their parent or legal guardian in Caddo, East Baton Rouge, Jefferson, Lafayette, Ouachita, or Orleans parish to participate.

SB 943 by Dean (*Last Action – Senate Committee*)

Establishes the Louisiana Opportunity Scholarship Program which requires the state to make available opportunity scholarships for attendance at participating nonpublic schools or opportunities for alternative public school enrollment as options for parents and guardians whose children are in the first through seventh grades and who attend a school found by the state accountability system to be academically unacceptable. Provides for program administration by the La. Office of Student Financial Assistance.

TEACHERS AND OTHER SCHOOL EMPLOYEES/REMOVAL

HB 778 by Triche (*Last Action – Act No. 273*)

Adds a charge of immorality as a cause for removal of a permanent teacher and defines immorality to mean any conviction of a felony offense affecting the public morals enumerated in specified present law. Adds definition of immorality to present law provisions relative to the removal of permanent teachers and school employees in Orleans Parish, permanent school employees in Iberville Parish, and school bus operators.

TEACHERS/SABBATICAL LEAVE

HB 846 by Salter (*Last Action – Sent to Governor*)

Removes the requirement that to be eligible for a medical leave sabbatical the teacher's regular sick leave balance must be 25 days or less. The term "teacher" includes public school teachers, social workers, and school psychologists, and teachers in special schools.

TEACHERS/CRITICAL SHORTAGE

HB 1923 by Hudson (*Last Action – Sent to Governor*)

Creates the Teach Louisiana First Program for the purpose of providing incentives to reduce the shortage of teachers certified to teach in critical shortage areas in public schools which have been designated as failing schools and in rural public schools that have not been

Education

designated as failing schools but that have certain academic deficiencies and are located in disadvantaged geographical areas. Provides for incentive payments for eligible applicants ranging from \$4,000 to \$6,000 per year for up to four years. Provides for program administration by the La. Student Financial Assistance Commission pursuant to BESE rules relative to program implementation.

TEACHERS AND ADMINISTRATORS/CERTIFICATION

HB 568 by Crane (*Last Action – Act No. 28*)

Requires, for certification as a teacher, that participants in certain alternate teacher education programs complete either the same amount of semester hours as required for the teaching of reading for undergraduate program applicants pursuant to present law or possess certain reading and literacy competencies as approved by BESE for the teaching of reading.

HB 571 by Crane (*Last Action – Act No. 93*)

Limits the number of times an emergency teaching permit may be renewed to two. An emergency teaching permit is valid for not more than one year.

HB 569 by Crane (*Last Action – Act No. 29*)

Requires, beginning Aug. 15, 2003, and thereafter, any person applying for certification as a principal or superintendent to have satisfactorily passed an appropriate assessment instrument selected by BESE and authorizes BESE to determine the level at which the assessment is satisfactorily passed.

TEACHERS

HB 1342 by DeWitt (*Last Action – Enrolled*)(*Duplicate of SB 605 by Sen. Theunissen*)

Establishes the Educators' Right to Teach for teachers in city, parish, or other local public schools relative to disciplinary matters. Specifies eight such rights. Prohibits any city, parish, or other local public school board from establishing policies that prevent teachers from exercising these rights or any other right. Specifies that the Educators' Right to Teach shall not be construed to supersede any other law, BESE policy, or local school board policy enacted or adopted to protect the rights of a teacher. Requires each city, parish, or other local school board to provide a copy of the Educators' Right to Teach to all teachers at the beginning of each school year.

LOCAL PUBLIC SCHOOL BOARDS/MEMBERSHIP

HB 393 by Scalise (*Last Action – House Committee*)

Constitutional amendment to provide that the Orleans Parish School Board shall consist of five elected and four appointed members, all as provided by law.

HB 1798 by Scalise (*Last Action – House Committee*)

Relative to the membership of the Orleans Parish School Board, provides that the board shall consist of five elected and four appointed members. Provides for appointments by the mayor of New Orleans from among nominees submitted by the respective president or chancellor of the seven specified public and nonpublic postsecondary education institutions in the New Orleans area and the chief executive officer of the New Orleans Regional Chamber of Commerce.

HB 1608 by Scalise (*Last Action – House Committee*)

Provides for local school board membership in a municipality with a population in excess of 475,000 persons. Specifies that for school board members taking office in Jan., 2005, the number of elected members of such board shall be the same as the number of elected members of the municipal governing authority. Provides for four appointed members in addition to the elected members. Provides that for school board members taking office in Jan., 2009, and thereafter, any local school board in any such municipality shall consist of five elected and four appointed members. Provides for all appointments to be made by the mayor of the municipality from among nominees submitted by the respective president or chancellor of the seven specified public and nonpublic postsecondary education institutions in the New Orleans area and the chief executive officer of the New Orleans Regional Chamber of Commerce. Provides procedures for filling vacancies on the board and provides for term limits for board members.

HB 654 by K. Carter (*Last Action – House Committee*)

Constitutional amendment to provide for the election or appointment, or both, of school board members.

HB 1847 by K. Carter (*Last Action – House Committee*)

Relative to the membership of the Orleans Parish School Board, provides that the board shall consist of five elected and four appointed members. Provides for three appointments by the mayor of New Orleans from among nominees submitted by the following, one appointment to be made from the nominees of each of the three groups: (1) the presidents or chancellors of the seven specified public and nonpublic postsecondary education institutions in the New

Education

Orleans area, (2) the New Orleans Regional Chamber of Commerce, and (3) the Orleans Parish Parent Teacher Organization. Provides for one appointment by the governor from among nominees submitted by BESE.

HB 1963 by Ansardi (*Last Action – House Committee*)

Relative to the election and holding of office of local school board members in any parish having a population in excess of 440,000 but fewer than 470,000 persons, requires the same number of elected members as for the parish governing authority and use of the authority's election districts. Requires an additional three members to be appointed by the parish president and provides for a nominating process involving recommendations from six specified entities. Provides four-year concurrent terms of office for all elected members and three-year staggered terms for appointed members. Provides term limits for elected and for appointed members. Provisions are applicable to school board members taking office in January, 2007, and thereafter, subject to voter approval of an amendment to the La. constitution providing for the appointment of local school board members.

LOCAL PUBLIC SCHOOL BOARDS/MANDATES

HB 35 by Toomy (*Last Action – Senate Committee*)

Provides that no law or state executive order, rule, or regulation requiring increased expenditures shall apply to a school board: (1) until approved by school board resolution; or (2) until and as long as the legislature appropriates funds to the school board for the purpose and only to the extent and amount of such funds; or (3) until a law provides for a local source of revenue to the school board for the purpose and the school board is authorized to levy and collect such revenue and only to the extent and amount of such revenue. Provides for certain exceptions.

LOCAL PUBLIC SCHOOL BOARDS/OTHER

HB 616 by Faucheux (*Last Action – Act No. 376*)

Provides that any expenditure by a local school board to reimburse a board member for travel and related expenses while on school board business outside the board's jurisdictional boundaries shall not exceed those permitted in accordance with travel regulations prescribed by the division of administration for state executive branch employees.

HB 1905 by Curtis (*Last Action – Sent to Governor*)

Prohibits a school board member from acting in an individual capacity without authorization from the school board and using his authority of office to compel or coerce personnel

decisions and from using the authority of his office to compel an employee to make certain decisions.

CHARTER SCHOOLS

HB 1309 by R. Carter (*Last Action – Act No. 381*)

Prohibits a charter school from employing any member of the governing or management board of such school and prohibits more than 20% of a charter school governing or management board from being members of the same immediate family. Adds the Code of Governmental Ethics to present law list of laws applicable to charter schools, with certain exceptions, and provides relative to the applicability of the charter school law.

HB 214 by JD Smith (*Last Action – Act No. 260*)

Exempts certain Type 2 charter schools from present law provisions relative to an adjustment of funds allocated to such schools based upon an additional February pupil membership count which may be provided for by the State Board of Elementary and Secondary Education.

STUDENTS/DISCRIMINATION

HB 1482 by Richmond (*Last Action – House Calendar*)

SB 677 by Irons (*Last Action – Senate Committee*)

Provides protection from discrimination and harassment for students. Requires local school boards to adopt policies prohibiting discrimination and harassment of students and requires that such policies contain certain components. Requires BESE to develop model policies to assist local school boards.

STUDENTS/HOME STUDY

HB 261 by Farrar (*Last Action – Failed to Pass/House*)

Permits any student participating in a state-approved home study program to be eligible to participate in any extracurricular activity at the public school to which the student would be assigned if attending public school. Specifies that the student also must meet all other eligibility requirements for participation in such extracurricular activity at the school.

Education

SCHOOL ADMINISTRATORS/SALARIES

HB 33 by Nevers (*Last Action – House Calendar*)

Provides that certain school counselors who obtained a National Certified School Counselor credential issued by the National Board for Certified Counselors (NBCC) while serving as school counselors and who then become school administrators are still eligible to earn the NBCC certification salary supplement of \$5,000.

SCHOOL EMPLOYEES/SALARIES

SB 155 by Schedler (*Last Action – Act No. 474*)

Relative to salary supplements for certain school counselors, removes provisions providing for proration of the initial supplement and instead provides for the initial supplement to be paid beginning in the school year immediately following the school year in which the school counselor is awarded the national credential. Requires the award to be verified. Requires the counselor to submit documentation to his employing board. Requires the local school board to submit the appropriate documentation to the Dept. of Education no later than August 1st of each year for verification of the documentation and in order to receive reimbursement from the state.

HB 947 by Salter (*Last Action – House Calendar*) (*Duplicate of SB 833 by Sen. Holden*)

SB 833 by Holden (*Last Action – Act No. 511*) (*Duplicate of HB 947 by Rep. Salter*)

Provides that a full-time school psychologist who holds both a valid La. ancillary certificate issued by the state Dept. of Education and a National Certified Psychologist Credential issued by the National School Psychology Certification Board and who is employed by a school board to provide services to students shall receive from the school board an annual salary supplement to be phased-in as follows: \$1,000 in 2003-2004, \$2,500 in 2004-2005, and \$5,000 in 2005-2006 and thereafter. However, no school board is required to pay the supplement until funds are appropriated by the legislature to the department for reimbursement to the school boards for this purpose.

HB 1075 by Broome (*Last Action – Sent to Governor*)

Provides that a full-time school social worker who holds both a valid professional ancillary certificate in school social work issued by the state Dept. of Education and a Certified School Social Work Specialist credential issued by the National Association of Social Workers and who is employed by a school board to provide social work services to students shall receive from the school board an annual salary supplement to be phased-in as follows: \$1,000 in 2003-2004, \$2,500 in 2004-2005, and \$5,000 in 2005-2006 and thereafter. However, no

school board is required to pay the supplement until funds are appropriated by the legislature to the department for reimbursement to the school boards for this purpose.

HB 1317 by Broome (*Last Action – Sent to Governor*)

Provides that a full-time school speech-language pathologist or audiologist who holds a valid La. credential issued by the state Dept. of Education, a license issued by the La. Board of Examiners for Speech-Language Pathology and Audiology, and a certificate issued by the American Speech-Language Hearing Association and who is employed by a school board to provide and coordinate services for students shall receive from the school board an annual salary supplement to be phased-in as follows: \$1,000 in 2003-2004, \$2,500 in 2004-2005, and \$5,000 in 2005-2006 and thereafter. However, no school board is required to pay the supplement until funds are appropriated by the legislature to the department for reimbursement to the school boards for this purpose.

HB 1662 by K. Carter (*Last Action – Act No. 384*)

Requires the employment of a full-time social worker in each local public school identified by BESE as a failing school, pursuant to the school and district accountability system, in parishes having a population of at least 475,000 persons. Defines "social worker" as a person who holds a valid professional ancillary certificate in social work issued by the state Dept. of Education.

SCHOOLS/INSTRUCTIONAL TIME

HCR 1 by Frith (*Last Action – Enrolled*)

Suspends for the 2002-2003 school year the provisions of R.S. 17:154.1(A)(1) as applicable to any local public school or school system which cannot meet for the 2002-2003 school year the minimum requirements for instructional time due to the school closure for reasons of natural catastrophe or disaster and which also meet certain conditions.

HB 457 by Triche (*Last Action – Sent to Governor*)

Provides that, effective for the 2002-2003 school year and thereafter, present law provisions relative to the minimum requirements for instructional time in schools shall not apply to any public school or school system that cannot meet such requirements due to school closures during the last 30 calendar days of the school year as a result of natural catastrophe or disaster. Further exempts from present law instructional time requirements, school systems in parishes having at least 475,000 persons that cannot meet such requirements for the 2002-2003 school year due to the school system providing professional development for teachers during the school day and the reduced instructional time does not exceed 180 minutes.

Education

SCHOOLS/CURRICULUM

SB 398 by Fontenot (*Last Action – Sent to Governor*)

Requires public schools with grades kindergarten through six to provide at least 30 minutes each school day of quality physical activity for students beginning with the 2004-2005 school year.

HB 129 by Lancaster (*Last Action – Act No. 312*)

Requires at least 30 minutes of instruction relative to organ and tissue donation during driver education, training, improvement, and remediation programs. Exempts from such requirement, any student whose parent or tutor submits a written statement indicating that the organ and tissue donation instruction conflicts with the student's religious beliefs. Requires that the development of the organ and tissue donation portion of the driver education and training programs shall be in conjunction with the federally designated organ procurement organization for the state.

SCR 109 by Theunissen (*Last Action – Enrolled*)

Requests the Board of Regents to study the need for and feasibility of establishing, within the Louisiana State University System, a resource for agricultural education materials and information to enhance agricultural literacy, awareness, and career exploration in public schools and institutions of postsecondary education.

SCHOOLS/PARENTAL INVOLVEMENT

SB 706 by Irons (*Last Action – Sent to Governor*)

Establishes, provided TANF funds are available to fund it, a two-year demonstration program to improve parental involvement in schools. Provides that the program begin in the 2003-2004 school year, in any city, parish, or other local public school system. Specifies that the program shall include schools that receive Title I funds to be selected by an independent review panel. Provides for the independent parent review board to select the participating schools from among eligible schools as identified. Requires selection of a cross section of elementary, middle, and high schools after considering test scores and an assessment of school readiness.

LOUISIANA EDUCATION QUALITY SUPPORT FUND - "8(G)"

HB 573 by Crane (*Last Action – Sent to Governor*)

Requires equal apportionment between BESE and the Board of Regents of any reductions to appropriations resulting from the transfer of monies from the Louisiana Education Quality Support Fund due to budget adjustments executed to avoid a budget deficit.

STATE DEPARTMENT OF EDUCATION

SB 83 by Theunissen (*Last Action - Act No. 299*)

Provides for the general re-creation of the Dept. of Education and its statutory entities, effective June 30, 2003, in accordance with the "Sunset" law. Supersedes the provisions of the "Sunset" law which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity within the department along with additional provisions. Establishes July 1, 2009, as the new termination date and provides for termination to begin July 1, 2008, unless the department is again re-created.

STUDENT FINANCIAL ASSISTANCE

HB 1619 by Morrish (*Last Action – Enrolled*)

Provides for a guaranteed loan program for certain students studying to be a licensed practical nurse, a registered nurse, or a nurse faculty member and for loan forgiveness in return for service. Provides for legislative findings and purpose including bringing about an adequate supply of capable nurses and nurse faculty in the state by inducing nursing students to practice or teach nursing in the state. Limits loan amounts to actual tuition charges and provides that such amounts be used to defray tuition at a college, university, or nursing school in the state. Provides for repayment of loans with interest, but provides for loan forgiveness on a one year for one year basis for practicing or teaching nursing in the state.

SB 607 by Senator Holden (*Last Action – Sent to Governor*)

Provides for the Grant Opportunity for Youth ChalleNGe Skills Training Program (GO-Youth ChalleNGe Program). Provides tuition assistance for up to two years to students who graduate from the Youth Challenge Program, earn a general education diploma, enroll on a full-time basis in a La. public postsecondary education institution to pursue skill or occupational training, including a vocational technical education certificate or diploma or a nonacademic undergraduate degree, and meet certain other requirements, including academic standards to keep the award.

Education

HR 178 by Crane (*Last Action – Enrolled*)

Requests that the Bd. of Regents:

- (1) Formulate policies with respect to student financial assistance which support the goals and objectives of the state's master plan for postsecondary education.
- (2) Serve as the lead agency responsible for providing advice and recommendations concerning student financial aid policies to the governor and the legislature, including making recommendations concerning legislation to be proposed as well as pending legislation.
- (3) Review and comment on the actions of executive branch agencies charged with the administration of student financial aid programs, including review and comment on proposed agency rules, if such administrative actions impact financial aid policies or the master plan, or both.

HB 1941 by Crane (*Last Action – Senate Committee*)

Requires the Bd. of Regents, with input from the La. Student Financial Assistance Commission, to formulate policies with respect to student financial assistance which support the goals and objectives of the state's master plan for postsecondary education. Specifies that Regents shall be the sole agency responsible for providing advice and recommendations concerning student financial assistance policies to the governor and the legislature. Permits other agencies, as authorized by the Bd. of Regents, to make recommendations on the administration and implementation of such policies. Provides for certain involvement by the Bd. of Regents in the rulemaking authority of the student financial assistance commission.

SB 365 by Theunissen (*Last Action – House Floor*)

Requires the La. Student Financial Assistance Commission to develop and maintain a comprehensive state student aid plan that supports the state's Master Plan for Public Postsecondary Education, subject to the approval of the Bd. of Regents. Requires the commission, in developing the plan, to consider all sources of aid available to students attending postsecondary institutions in the state and propose new aid programs or modifications to existing state aid programs to implement the policies and achieve the objectives defined in the state's master plan for postsecondary education.

SCR 143 by Theunissen (*Last Action – House Committee*)

Requests the Senate and House education committees to jointly study the governance and oversight of student financial assistance in La.

POSTSECONDARY EDUCATION/TUITION

HB 401 by DeWitt *(Last Action – Enrolled)*

Authorizes the LSU Board of Supervisors to impose certain tuition and attendance fee amounts for students at LSU-Alexandria including fees relative to registration, laboratory courses, and international students as follows:

- (1) A tuition amount of \$973 per semester effective for the Fall, 2003 semester and an additional increase of \$167 per semester effective for the Fall, 2004 semester and thereafter.
- (2) Effective for the Fall, 2003 semester and thereafter:
 - (a) A registration fee of \$15.
 - (b) A laboratory fee of \$10 per laboratory course hour.
 - (c) A one-time international student fee of \$60.

HB 1236 by Crane *(Last Action – Enrolled)*

Provides for specified tuition increases for certain students (\$1,500 per semester for new students seeking a DVM degree and \$750 per semester for current students seeking a DVM degree) attending the LSU School of Veterinary Medicine effective for the Fall 2003 semester and thereafter. Prohibits proceeds from the increases from being used for salaries of certain administrators.

HB 1536 by LeBlanc *(Last Action – Enrolled)*

Requires the Board of Regents to study and formulate a state tuition and fee policy as a framework for imposition of student tuition and fees for public postsecondary education institutions by their respective management boards. Requires legislative approval by 2/3 vote of each house of the authority for the postsecondary education management boards to increase tuition and fees consistent with such policy. Provides that such approval shall constitute fee approval required by Const. Art. VII, §2.1. Requires the Board of Regents and each of the management boards to annually report to the Joint Legislative Committee on the Budget on the status of the implementation of the policy.

HB 1556 by Schwegmann *(Last Action – Sent to Governor)*

Authorizes the LSU Bd. of Supervisors to impose an increase in the facilities use and maintenance fee of \$60 per semester for students attending UNO. Authorizes the SU Bd. of

Education

Supervisors to impose an increase in the facilities use and maintenance fee for a total amount of such fee not to exceed \$60 per semester for students attending SUNO. Provisions are effective for the Fall, 2003, semester and thereafter. Provides relative to waivers for certain students. Prohibits use of fee increase for salaries of administrators. Provides that fee is not a cost payable by the state for TOPS award recipients.

HB 1786 by Alario (*Last Action – Enrolled*)

Authorizes the boards of supervisors for the Southern, LSU, Univ. of La., and La. Community and Technical College systems to provide for the assessment of an academic excellence fee at each institution under the management and supervision of each board effective for the Fall, 2003, academic session and thereafter. Provides for fee amounts and waivers in cases of financial hardship. Prohibits the use of fee proceeds to pay salaries of university or university system administrators.

HB 1802 by Hunter (*Last Action – Sent to Governor*)

Authorizes the Southern University Bd. of Supervisors to increase annual tuition amounts for full-time resident and nonresident students enrolled at the law center by a total of \$2,445 over the next three academic years. Authorizes proportional amounts for part-time students and for summer sessions. Prohibits use of proceeds from the increases for salaries of certain administrators.

POSTSECONDARY EDUCATION/ARTICULATION

HB 1470 by Salter (*Last Action – Act No. 383*)

Requires, beginning in 2003, the Bd. of Regents to report in writing to the House and Senate education committees by Dec. 31st of each year on the extent to which course articulation goals and objectives have been achieved and the plan and timeline to fully accomplish these purposes. Also requires that students and prospective students at any state public college and university receive certain information relative to the articulation of courses among and recognition of course credit by La. public colleges and universities.

ENVIRONMENT

GROUND WATER PROTECTION

HB 1570 by Daniel *(Last Action – Senate Committee)*

SB 99 by Cain *(Last Action – Act No. 49)*

Places the responsibility for the administration of ground water management with the commissioner of conservation, to the extent such powers are not vested to other state departments. The commissioner is authorized to promulgate rules, regulations, and orders to prevent waste, prevent damage to and loss of sustainability of the state's aquifers, and prevent subsidence. Creates the Ground Water Resources Commission, which reviews certain actions of the commissioner, and creates the Ground Water Management Advisory Task Force.

HB 871 by R Carter *(Last Action – House Committee)*

Would have required licensed water well drillers to give the parish government notice of a proposed well with a capacity of more than five million gpd at least 30 days prior to drilling. The parish government would have either disapproved the well or taken no action.

HB 2016 by Beard *(Last Action – Sent to Governor)*

Creates the reclaimed water program and prohibits the use of potable groundwater for irrigating certain grassy areas where there exists an available reclaimed water source. Requires the consideration of reclaimed water for cooling towers, industrial applications, and certain irrigation uses, and encourages the use of reclaimed water in irrigating crops not intended for human consumption.

HB 2022 by Daniel *(Last Action – Enrolled)*

Provides that in actions to recover damages for contaminated ground water, the Department of Environmental Quality and Department of Natural Resources shall be notified by the plaintiff and the departments may intervene or be made party to the suit. Any award for such damages shall be placed in the registry of the court and may only be expended to remediate or protect usable ground water.

Environment

GOVERNOR'S DEQ TASK FORCE RECOMMENDATIONS

HB 503 by Damico (*Last Action – House Committee*)

HB 381 by Schedler (*Last Action – Act No. 67*)

Removes the authority of the Department of Environmental Quality to administer the Drinking Water Revolving Loan Fund Program and authorizes the Department of Health and Hospitals to administer the fund.

HB 741 by Damico (*Last Action – Senate Committee*)

SB 577 by Fontenot (*Last Action – Enrolled*)

Grants the secretary of DEQ authority to issue expedited actions for minor enforcement actions for minor and moderate violations. Citations may not to exceed \$1,500 per violation or \$3,000 per violator.

HB 742 by Damico (*Last Action – Senate Committee*)

SB 402 by Fontenot (*Last Action – Act No. 217*)

Changes the current requirement for inspections of permitted facilities from a requirement for annual inspections to a requirement that the secretary of DEQ develop a strategy of prioritizing inspections based on a list of factors that include a facility's history of compliance and the potential environmental impacts of a facility.

AIR EMISSIONS

HB 886 by Damico (*Last Action – Act No. 441*)

Authorizes the Department of Environmental Quality to charge a fee of \$5,000, adjusted to 1990 dollars, per ton of volatile organic compounds or nitrogen oxides over a set baseline amount emitted in an area designated by the Environmental Protection Agency as a severe or extreme ozone nonattainment area. Due to an EPA settlement of a law suit with environmental groups, the Baton Rouge Area is expected to be reclassified from a "serious" to a "severe" area of ozone nonattainment. The 1990 Amendments to the Clean Air Act require this fee to be charged. The fee will not be charged until 2006.

HB 545 by Daniel (*Last Action – Enrolled*)

Creates two exceptions from permit requirements applicable to sources of air emissions as provided by rules and regulation promulgated by DEQ. The first exception is to allow a facility to operate or to construct an air emission source that emits less than five tons per year of any pollutant, no more than 15 tons of all pollutants, and emits less than the minimum rate established by DEQ regulations. The second exception authorizes rules to allow emissions of less than 180 days in duration and that meet the following conditions:

- (a) The source is not subject to New Source Review;
- (b) The source shall comply with the Clean Air Act and with DEQ's rules and regulations;
- (c) The use of the permit does not conflict with any federal permit.

WASTE TIRE PROGRAM

HB 522 by Jane Smith *(Last Action – Sent to Governor)*

Seeks to strengthen the Department of Environmental Quality's successful waste tire program.

The bill adds an additional penalty that may be imposed on offenders convicted of committing fraud on the waste tire program of forever barring them from participating in the program and revoking their licenses and registrations. Individuals, including waste tire processors, barred will be prohibited from requesting and receiving payments or reimbursements from the program. The bill also establishes a stricter manifest system that requires matching affidavits from transporters and processors of waste tires.

Authorizes the department to bring an action to prohibit new tire dealers who fail to remit fees collected when a new tire is purchased from conducting business until the delinquent fees are paid.

HEALTH AND WELFARE

ABORTION

HCR 188 by Durand (*Last Action – Enrolled*)

Directs the Department of Health and Hospitals to collect and maintain in a timely fashion, as provided by R.S. 40:1299.35.8 et seq., all items of relevant information concerning abortion services provided in Louisiana, including the parish and municipality, if any, in which each recipient of such services resides.

CHARITY HOSPITALS

SB 867 by Schedler (*Last Action – Enrolled*)

Reviews the structure of the Health Sciences Center-Health Care Services Division within LSU using both the hospital service district statutes and the LSU HSC Health Care Services Division at Shreveport as sources for the restructuring. This law also requires legislative approval to close a hospital or emergency room. Further provides that if any hospital services are reduced by greater than fifteen percent in any one year, legislative approval must be obtained before further reducing such services greater than 15% in any year for the next three years.

The law also defines medically indigent to mean a person whose income is below 200% of the federal poverty level and who is uninsured. It further allows the state public hospitals to seek reimbursement of a portion of their non-emergency medical costs from those Louisianans whose income is above 200% of the federal poverty level.

CHILDREN

HB 243 by Ansardi (*Last Action – Sent to Governor*)

Clarifies the law regarding the safehaven of newborns. This law requires that a CASA volunteer who has had a criminal background check be appointed in a safehaven relinquishment. It also expands the definition of a designated emergency care facility in which a newborn may be relinquished. Provides for a procedure for DSS after a child is relinquished to inform the mother of how she may contact the facility or the department for purposes of providing information about prenatal care or the identification of the other parent. Provides for the procedures that DSS shall take after the relinquishment of the child regarding custody of the child. Provides for clarification of the parental rights of the relinquishing and non-relinquishing parent.

CHILD SUPPORT

HB 1282 by Triche (*Last Action – House Committee*)

Would have allowed the Department of Social Services to seize horse racing winnings, land-based casino winnings, river boat casino winnings and slot machine winnings at race tracks for the collection of past-due child support.

COUNSELORS

HB 1108 by Montgomery (*Last Action – Enrolled*)

Permits qualified mental health professionals to become certified compulsive gambling counselors upon completion of certain educational requirements.

FEES/LICENSES/PERMITS

SB 315 by Schedler (*Last Action – Sent to Governor*)

Establishes the Perfusion Licensure Act. Provides for the regulation and licensure of perfusionists by the Louisiana State Board of Medical Examiners. Provides for the establishment of the Advisory Committee on Perfusion to assist the Board of Medical Examiners in the regulation of perfusionists, including the promulgation of rules and regulations relative to qualifications, examinations, fees, continuing education requirements, and disciplinary measures.

GENETICS

SB 298 by Hines (*Last Action – House Calendar*)

Extends the ban on human cloning until July 1, 2006.

HEALTH AND HOSPITALS

SB 500 by Schedler (*Last Action – Enrolled*)

Extends the moratoria on mental health clinics and centers, long-term care facilities, nursing facilities, and home health agencies through July 1, 2008. Places a moratorium on the designation of rural hospitals relative to the Rural Hospital Preservation Act for hospitals with more than sixty beds, unless the hospital is downsized to sixty beds by May 16, 2003, or the designation takes place prior to July 1, 2003, or unless the hospital notifies the

Health and Welfare

Department of Health and Hospitals as of May 16, 2003, of its intent to downsize and meets certain other qualifications.

HB 1605 by Iles, et al. *(Last Action – Sent to Governor)*

Adds to the definition of "rural hospital". Includes within the Rural Hospital Preservation Act hospitals with no more than sixty beds that meet certain census criteria for municipalities and parishes.

SB 388 by Schedler *(Last Action – Conference Committee)*

Provides for medically necessary treatment of HIV/AIDS, hepatitis C and schizophrenia from DHH's limitations on prescription drug reimbursements and prior authorization requirements.

NURSES/REGISTERED

HB 1433 by L. Jackson *(Last Action – Enrolled)*

Authorizes Advanced Practice Registered Nurses to perform acts of medical diagnosis and to prescribe certain medications in accordance with a collaborative practice agreement though not necessarily under the direct supervision of a physician or dentist. Provides that the Louisiana State Board of Nursing rather than the Joint Committee on Prescriptive Authority shall promulgate rules and regulations relative to the scope of practice of Advanced Practice Registered Nurses, including but not limited to prescriptive authority.

NURSING HOMES

HCR 206 by Broome *(Last Action – Enrolled)*

Directs the Department of Health and Hospitals and the Louisiana Nursing Home Association to implement a pilot program to study the practicality of installing electronic monitoring devices in nursing home facilities and to report the findings to the House and Senate Committees on Health and Welfare prior to the convening of the 2004 Regular Session.

PHYSICAL THERAPISTS

HB 982 by Welch *(Last Action – Sent to Governor)*

Adds chiropractors to the list of health care providers authorized to refer patients to physical therapists for treatment. Stipulates the specific circumstances, including the performance of an initial evaluation or screening consultation, in which a physical therapists may provide treatment without the referral of an authorized health care provider.

PRESCRIPTIONS

HB 1132 by Hines *(Last Action – Sent to Governor)*

Creates the Louisiana Senior Rx Program in the office of elderly affairs within the governor's office to assist seniors in applying for and accessing manufacturers' discount cards and pharmaceutical assistance programs. Establishes standards to determine eligibility for the program and a reporting requirement by which the program must abide. Authorizes the receipt by the program of voluntary funding and grants that can be used to assist foundations, community groups, state agencies, corporations, hospitals, and other entities that can further the intent of the program.

SMOKING

SB 869 by Johnson *(Last Action – Sent to Governor)*

Prohibits smoking in all areas of the Louisiana Superdome.

SB 901 by Johnson *(Last Action – Act No. 515)*

Permits local authorities to adopt ordinances, rules, or regulations relating to smoking in public places and office workplaces which are more stringent than existing laws. No municipal or parish governing authority, or political subdivision shall adopt ordinances, rules, or regulations relating to smoking in any property where gaming operations are conducted, hotel guest rooms, restaurants or alcoholic beverage establishments or facilities, or tobacco businesses or shops.

SOCIAL SERVICES

HB 1613 by Winston *(Last Action – Enrolled)*

Requires the secretary of DSS to provide an implementation and strategy plan for a pilot program to the House Health and Welfare Committee for a "no wrong door" delivery of social services for individuals with multiple needs. Implicit in this plan the secretary will develop a shared consent form and common screening tool for multiple need clients, provide cross-training for employees, and devise a method for flexible funding across offices.

Health and Welfare

VITAL STATISTICS/BIRTH CERTIFICATES

HB 918 by Schneider *(Last Action – Sent to Governor)*

Enacts the "Missing Angel's Act" to provide for a certificate of birth for stillborn babies. Provides procedures for the preparation, filing, issuance, and fees for a certificate of birth resulting in stillbirth.

HB 1078 by Durand *(Last Action – Sent to Governor)*

Increases the fee for the issuance of death certificates and burial permits. Requires the proper completion of death certificates before issuance and requires burial permits to comply with regulations of the DHH and the sanitary laws of the state. Stipulates conditions for the issuance of a burial permit without a death certificate.

HOUSE AND GOVERNMENTAL AFFAIRS

LEGISLATIVE AUDITOR

HB 1744 by Hunter (*Last Action – Senate Committee*)

Would have provided that the La. High School Athletic Association be subject to the provisions of law relative to budgets and audits, court review of decisions, proper venue for actions, open meetings, retirement system participation, and notices and hearings.

HB 14 by Flavin (*Last Action – House Committee*)

Would have placed under the authority of the legislative auditor any statewide high school athletic association whose rules affect public school extracurricular activities.

HB 1927 by Hunter (*Last Action – House Committee*)

Would have placed under the authority of the legislative auditor any organization, either for profit or not for profit, which is subject to the open meetings law and derives a portion of its income from any public agency or body.

HB 576 by LeBlanc (*Last Action – Enrolled*)

Proposed constitutional amendment to prohibit the legislative auditor and his employees from participating or engaging in certain specified political activity (similar to restrictions on classified civil servants). Provides for administration and enforcement of the prohibitions by the Board of Ethics. Additionally provides that a former legislative auditor is not eligible to qualify for elected public office for a period of two years following the termination of his service as legislative auditor. This proposed constitutional amendment will be on the ballot on October 4, 2003.

LEGISLATIVE POWERS AND PROCEDURE

HB 542 by Daniel (*Last Action – House Calendar*)

Proposed constitutional amendment would have provided that a gubernatorial veto could be overridden by the same vote required for passage of the bill instead of a two-thirds vote of the elected members of each house.

HB 655 by Hebert (*Last Action – Failed to Pass/House*)

Proposed constitutional amendment would have required bills raising revenue to originate in the Senate.

House and Governmental Affairs

HB 1973 by Hebert *(Last Action – Senate Committee)*

Would have created an ethics code prohibition on the governor, governor-elect, and candidates in the general election for governor taking any action to support the nomination, selection, or appointment of any person to any of the following legislative offices: speaker of the House of Representatives, president of the Senate, speaker pro tempore of the House of Representatives, president pro tempore of the Senate, or chairman or vice chairman of any legislative committee

ETHICS

HB 447 by Triche *(Last Action – Senate Calendar)*

Would have reduced the membership of the Board of Ethics from eleven (seven appointed by the governor; two elected by the House; two elected by the Senate) to seven (one appointed by the governor; three elected by the House; three elected by the Senate) and would have changed the quorum from six to four. Senate committee amendments would have kept the membership of the board at eleven and the quorum at six, but would have changed the makeup of the membership to three elected by the House, three elected by the Senate, and five appointed by the Governor (one from each Public Service Commission district).

GOVERNMENT ORGANIZATION

SB 56 by Scalise *(Last Action – House Committee)*

Would have abolished the office of rural development and the office of urban affairs and development in the office of the governor and would have prohibited such offices from being re-created and the powers, functions, duties, and responsibilities thereof from being exercised or reassigned.

HB 638 by Perkins *(Last Action – Failed to Pass/House)*

Constitutional amendment. Would have provided for the appointment of the commissioner of insurance by the governor as provided by law.

HB 1318 by Perkins *(Last Action – House Calendar)*

Would have been effective contingent upon the passage of HB 638 by Perkins, amending the La. Constitution to provide for the appointment of the commissioner of insurance by the governor. Would have provided that the commissioner of insurance be appointed for a four-year term by the governor rather than elected. Would have provided for procedures for

House and Governmental Affairs

appointment, qualifications, salary, and service at the pleasure of the governor. Would have provided for the regulation of conflicts of interest and political activity.

HB 1350 by Downer *(Last Action – Enrolled)*

Creates a Dept. of Veterans Affairs as one of the departments of the executive branch of state government. Creates a secretary of the Dept. of Veterans Affairs and provides procedures for the appointment, qualifications, salary, and powers and duties of the secretary. Provides for a deputy secretary. Transfers the existing Veterans' Affairs Commission from the office of the governor to the proposed Dept. of Veterans Affairs.

ELECTIONS

SB 6 by Dupre *(Last Action – Sent to Governor)*

Includes a certification by a candidate on the notice of candidacy that such candidate is not a convicted felon prohibited from qualifying pursuant to the constitution and requires the district attorney to bring an action objecting to the candidacy of such person, if after investigation the district attorney has reason to believe the person is so prohibited.

SB 882 by Malone *(Last Action – Sent to Governor)*

Provides that a registered voter may present evidence that a candidate has illegally qualified for elective office to the respective district attorney, who shall determine whether or not the evidence presented establishes grounds for objecting to such candidacy and if the district attorney makes such a determination he shall file an action objecting to candidacy within seven days after the close of qualifications for candidates in the primary election.

HB 735 by Faucheux *(Last Action – House Committee)*

Would have provided for the salaries of election commissioners and commissioners-in-charge to be calculated using a formula based on the federal per diem rate. Based on the current federal per diem rate of \$120, would have provided commissioners and commissioners-in-charge with a raise of approximately \$15 to \$20 per election day served.

SB 30 by Cain *(Last Action – Conference Committee)*

Similar to HB 735 by Faucheux, the original bill would have increased the compensation for election commissioners and commissioners-in-charge by \$25.

House committee amendments would have decreased hours of operation of the polls on election day, removed requirements for absentee voting in person enabling any qualified voter to vote absentee in person, and required the La. State Law Institute to work with

House and Governmental Affairs

legislative staff and elections officials to identify and replace the term "absentee voting in person" with the term "early voting".

House floor amendments removed the provision decreasing the poll hours on election day and added a provision that would have allowed parish boards of election supervisors to create two equal shifts for commissioners and commissioners-in-charge to serve on election day.

HB 885 by Bruneau (*Last Action – Enrolled*)

Provides for a salary increase for registrars of voters, chief deputy registrars of voters, and confidential assistants.

HB 524 by Richmond (*Last Action – House Committee*)

HB 1058 by Lancaster (*Last Action – House Committee*)

Federal law (2 USC §§1 and 7) establishes the Tuesday after the first Monday in November in an even-numbered year as the date for federal congressional elections. The U.S. Supreme Court in the case of *Foster v. Love* (U.S. La.1997, 118 S.Ct. 464, 522 U.S. 67, 139 L.Ed.2d 369) held that Louisiana law conflicts with federal law to the extent that congressional candidates could be elected in October and voided the law to that extent. These bills would have changed the law concerning the dates for election of members of congress to provide for the dates established by federal jurisprudence and would have changed the dates of other elections held at the time of the congressional elections to such dates. Also would have made conforming changes in provisions for qualifying periods for such elections.

HB 1263 by Pitre (*Last Action – House Calendar*)

Relative to the election of U.S. senators or representatives in congress, would have provided for the two candidates with the highest numbers of votes not of the same political party to qualify for the general election. Would have provided for the election of congressional candidates in the general election. Would have prohibited the election of congressional candidates in a primary election.

HB 1069 by Lancaster (*Last Action – House Committee*)

Would have established a closed party primary election system for congressional offices with candidates and voters participating in a first and second primary according to party affiliation; would also have provided for the party state central committees to permit voting by unaffiliated voters; would also have provided procedures for candidates with no party affiliation to appear on the general election ballot.

House and Governmental Affairs

HB 1038 by Morrell *(Last Action – House Committee)*

Similar to HB 1069 by Lancaster.

HB 1211 by Bruneau *(Last Action – Enrolled)*

Makes a request by a voter to have his name stricken from a recall petition a public record. Provides new procedures for relocating polling places during a state of emergency. Removes provision that a woman who remarries may not remain legally registered to vote in the surname of her former husband. Prohibits the commissioner of elections and employees of the Dept. of Elections and Registration from engaging in political activity. Provides for 17 year old students to serve as commissioners at the polls on election day (see also HB 1283 by Lancaster). Makes other technical changes to the Election Code.

HB 1283 by Lancaster *(Last Action – Act No.422)*

Allows 17-year-old students who are at the twelfth grade level to serve as commissioners on election day.

HB 1358 by Bruneau *(Last Action – Act No. 423)*

Makes changes to the Election Code as mandated by the federal Help America Vote Act of 2002. Includes provisional voting for federal elections in the event that a voter appears at the polls on election day, and declares that he is registered to vote in that parish, but his name does not appear on the list of registered voters. Also includes provisions for an administrative complaint procedure for violations of requirements of the Help American Vote Act, including handicapped accessibility, provisional voting, and the maintenance of a statewide database that conforms to certain federal standards.

HB 1623 by LeBlanc *(Last Action – Act No. 142)*

Establishes the Help Louisiana Vote Fund as a special fund in the state treasury in order to receive federal monies from the Help America Vote Act of 2002. Establishes accounts within the fund for certain purposes and provides for deposit and use of monies in the fund.

HB 436 by Green *(Last Action – Failed to Pass/House)*

Requires, for ratification of a proposed constitutional amendment, approval by a majority of the electors voting in the election on the proposed amendment and provides that such majority must comprise more than 25% of the state's qualified electors.

House and Governmental Affairs

HB 628 by Lancaster *(Last Action – Failed to Pass/House)*

Prohibits, relative to any term commencing after January 1, 2004, a person who has served for one full term as governor from being elected governor for the succeeding term.

ELECTION OFFENSES

HB 1306 by Lancaster *(Last Action – Senate Committee)*

Would have prohibited any public official from using public funds to create a public service announcement using his name, likeness, or voice during the time between the close of qualifying and the promulgation of returns. Provides for penalties for any violations.

SB 4 by McPherson *(Last Action – Vote on Conference Committee Report Pending/Senate)*

Similar to HB 1306 by Lancaster, except would have prohibited the expenditure of any state funds where a public official is mentioned in any media advertisement, including a public service advertisement.

ELECTIONS/VOTING

HB 180 by Montgomery *(Last Action – Senate Committee)*

Would have reduced election day poll hours and increased the hours during which voters could have voted during the absentee voting period. Would have allowed any qualified voter to vote absentee in person.

SB 11 by Dupre *(Last Action – Conference Committee)*

Would have provided that the absentee vote of a voter who dies before the opening of the polls be counted.

House committee amendments would have decreased hours of operation of the polls on election day by two hours, removed requirements for absentee voting in person enabling any qualified voter to vote absentee in person, and required the La. State Law Institute to work with legislative staff and elections officials to identify and replace the term "absentee voting in person" with the term "early voting".

House floor amendments would have decreased the hours the polls are open on election day by one hour.

House and Governmental Affairs

CAMPAIGN FINANCE

HB 1054 by Lancaster (*Last Action – Sent to Governor*)

Makes changes to campaign finance laws, including that the statement of organization of a political committee shall include information as whether the political committee has elected to file monthly reports; limits contributions accepted by political committees or subsidiaries (other than a candidate's committee) in a four-year period to not more than \$100,000; requires copies of reports filed with the supervisory committee to be furnished **upon request** instead of **immediately**; and creates an exception from requirements for an election day expenditure report for any committee other than a candidate's committee that has no election day expenditures.

CONSTITUTIONAL CONVENTION

HB 151 by Pitre (*Last Action – House Calendar*)

Would have called a constitutional convention to be convened on January 19, 2004, composed of 144 delegates (one elected from each House and Senate district) at the regularly scheduled 2003 gubernatorial election). Specified that the convention organize then adjourn and that the legislature, in the 2004 R.S., provide by law for the scope and authority of the convention, the time frame for the preliminary and final drafts of constitutional proposals to be completed, and the submission of such proposals to the electors. Provided that if such legislation either fails to pass or is vetoed, then the convention shall adjourn sine die.

ADMINISTRATIVE PROCEDURE

HB 601 by Bowler (*Last Action – Enrolled*)

Proposed constitutional amendment to authorize the legislature to create a system of administrative law to commence and handle administrative adjudications, to provided for the employment, qualifications, and authority of administrative law judges, and to provide with respect to access to the courts by a governmental agency or public official seeking judicial review of an administrative agency determination. This proposed constitutional amendment will be on the ballot on October 4, 2003.

REDISTRICTING

HB 779 by DeWitt (*Last Action – Act No. 2*)

Provides for the redistricting of the House of Representatives and provides for the composition of Districts 11, 12, 13, 19, 20, 21, 62, 72, 73, 74, 75, 77, 82, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, and 101 to legislatively adopt, approve, and ratify the agreement of the

House and Governmental Affairs

parties in *The Louisiana House of Representatives, et al. v. John Ashcroft, et al.*, CA No. 1:02CV00062 (United States District Court for the District of Columbia). Effective for election purposes for the regular legislative elections in 2003 and for all purposes on Jan. 12, 2004.

HB 2011 by Lancaster (*Last Action – Act No. 174*)

Provides for the composition of House of Representative Districts Nos. 11 and 12; 52 and 53; 74 and 75; and 79, 80, 81, and 82. Specifies that if the proposed changes in the compositions of such districts fail to receive preclearance on or before August 8, 2003, then the proposed changes in the composition of the districts which failed to receive preclearance are null, void, and without effect. Effective for election purposes for the regular legislative elections in 2003 and for all purposes on Jan. 12, 2004.

PUBLIC EMPLOYEES

HB 594 by Scalise (*Last Action – House Committee*)

Proposed constitutional amendment would have prohibited the state, a political subdivision, an agency or instrumentality of either, and any governmental official or agency which sets personnel policy for public municipal fire or police employees, except in parishes and municipalities with a population of 30,000 or fewer persons, from requiring such employees or potential employees to reside or have a domicile in a particular place.

SB 889 by Hainkel (*Last Action – Act No. 240*)

Provides for removal of public employees for conviction of a felony. Requires that the employee-employer relationship existing between a state, district, parochial, ward, or municipal employee, whether classified or unclassified, and the state, district, parish, ward, or municipality, as applicable, be terminated and the employee removed from his position of employment upon conviction, during his employment, of a felony as defined by the laws of this state or by the laws of the United States. Requires that within 10 days after a conviction is final and all appellate review of the original trial court proceedings is exhausted, the appointing authority of the employing agency terminate an employee who is convicted of a felony.

ELECTED OFFICIALS

HB 636 by Lancaster (*Last Action – House Calendar*)

Proposed constitutional amendment would have provided that effective at noon on the second Monday in January, 2004, the lieutenant governor shall be the presiding officer of the Senate exercising all the powers, functions, and duties thereof including the appointment of

House and Governmental Affairs

members to committees and the appointment of the chair and vice chair of committees. Specified that the lieutenant governor can vote only to break ties in the Senate. Replaced the presiding officer of the Senate in the gubernatorial succession with the president pro tempore.

HB 679 by Hebert *(Last Action – Failed to Pass/House)*

Proposed constitutional amendment would have provided that statewide elected officials and members of the legislature would be elected every four years at the regular congressional election and would have extended the term of office of the statewide elected officials and members of the legislature whose terms begin in January 2004, for one year.

HB 1222 by Salter *(Last Action – Failed to Pass/House)*

Would have provided that the salary of the statewide elected officials, except the governor, shall be equal to that of the chief justice of the state supreme court (currently \$108,101.40) and would have provided that the governor's salary shall be \$25,000 more than the other statewide elected officials.

OPEN MEETINGS/PUBLIC RECORDS

HB 337 by Baldone *(Last Action – House Committee)*

Provides for accessibility of criminal history records collected and maintained by the Bureau of Criminal Identification and Information at local sheriff's offices. Assesses a \$10 fee for such record.

SB 705 by Schedler *(Last Action – Enrolled)*

Provides that certain records maintained by the Louisiana Bureau of Criminal Identification and Information are privileged and not subject to discovery in civil proceedings.

Representative Baldone proposed an amendment to SB 705 on the House floor that was a version of HB 337 that provided for accessibility of criminal records in certain circumstances for a fee of \$26. The amendment was rejected in Conference Committee.

HB 694 by Ansardi *(Last Action – Act No. 413)*

Excepts from public records laws any records which contain security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

INSURANCE

HEALTH INSURANCE

HB 1082 by Durand *(Last Action – House Committee)*

Requires direct payment by health insurers of charges to emergency medical services or ambulance services providers.

HB 1149 by Bowler *(Last Action – Sent to Governor)*

Provides relative to compliance of health insurance issuers with the federal Gramm-Leach-Bliley Act. Also provides for high deductible medical savings account policies and excludes them from rating restrictions for individual and small group policies.

HB 1437 by Hebert *(Last Action – Conference Committee Appointment Pending)*

In the event of underpayment of a health insurance claim or a retroactive contractual rate adjustment, specifies whether the health insurance issuer, the health care provider, or the insured pays.

HB 1438 by Hebert *(Last Action – Act No. 424)*

Authorizes the Department of Insurance and the Department of Health and Hospitals to establish a pilot health insurance program for small employers (LaCHOICE).

HB 1538 by Tucker *(Last Action – Enrolled)*

Provides for risk-based capital requirements for health maintenance organizations and provide with respect to the authority of the commissioner of insurance to enforce such requirements. Also provides relative to liquidation or windup of health maintenance organizations (HMOs), including provisions prioritizing distribution of assets from the estate of an insolvent HMO and the authority of the commissioner of insurance in such liquidation.

HB 1877 by G. Smith *(Last Action – Enrolled)*

Requires health care providers and hospitals to provide patients with an insurance claim form and an itemized statement of all charges after the initial filing of the claim rendered to the patient on request.

HB 1966 by Hebert, et al. *(Last Action – Enrolled)*

Provides with respect to the billing of insureds and enrollees by health care providers, including placing notice requirements on contracted health care providers. Specifically prohibits "discount billing" or "dual billing". Authorizes the commissioner of insurance and the attorney general to enforce these provisions.

HB 1989 by Hebert, et al. *(Last Action – Sent to Governor)*

Creates the Louisiana Safety Net Health Insurance Program to provide limited benefit hospital and medical insurance policies for certain employers to offer to their employees. Also authorizes the program to be offered by the Office of Group Benefit to certain state employees.

SCR 57 by Thomas *(Last Action – Enrolled)*

Continues the Task Force of the Working Uninsured until January 1, 2005, so that it may make further recommendations regarding possible solution to the state's problem of working citizens without health insurance.

SCR 102 by Thomas *(Last Action – Enrolled)*

Creates a special task force to recommend implementation methods to create a database of public data concerning health insurance coverage for the uninsured. This database would allow for predictive modeling and other actuarial analysis affecting LaDoc, LaChoice, LaHIPP, LaHelp, and the Louisiana Safety Net Health Insurance Program.

HEALTH INSURANCE MANDATES

HB 68 by Doerge *(Last Action – House Committee)*

Mandates offering of optional insurance coverage for treatment of morbid obesity through gastric bypass surgery or other methods as may be recognized by the National Institutes for Health as effective for the long-term reversal of morbid obesity.

HB 1606 by Morrish and Faucheux *(Last Action – Enrolled)*

Places a moratorium on laws which require health plans to provide or offer specific health insurance benefits and options to insureds or enrollees. Makes the moratorium effective January 1, 2004, to December 31, 2008.

Insurance

SB 138 by Dardenne *(Last Action – Act No. 190)*

Prohibits health insurers and health maintenance organizations from denying coverage of perioperative services rendered by a registered nurse first assistant if the insurer covers the same first assistance perioperative services when they are rendered by certain other health care providers, effective January 1, 2004.

SB 408 by Gautreaux *(Last Action – Sent to Governor)*

Requires health insurers and health maintenance organizations to provide coverage for hearing aids for children under 18 years of age. Requires medical clearance by a licensed physician and limits the benefit payable to \$1,400 per hearing for each hearing aid for each hearing impaired ear each 36 months. Requires new policies to offer such coverage effective January 1, 2004, and existing policies to offer such coverage no later than January 1, 2005.

SB 666 by Heitmeier *(Last Action – Sent to Governor)*

Additionally requires health maintenance organization to provide coverage of low protein food products for treatment of inherited metabolic diseases if medically necessary . Limits the benefit payable to \$200 per month. Requires new policies to offer such coverage effective January 1, 2004, and existing policies to offer such coverage no later than January 1, 2005.

INSURANCE AGENTS

HB 841 by Ansardi *(Last Action – Enrolled)*

Provides for the delivery of health and accident insurance policies, specifically allowing the use of commercial carriers or electronic delivery.

HB 887 by Erdey *(Last Action – Sent to Governor)*

Provides relative to rights of insureds to select producers (agents) of record. Also provides relative to producers' authorization or recognition by insurers, their change or removal, and their commissions. Also makes these provisions applicable to health and accident insurers and all bond business.

PROPERTY AND CASUALTY INSURANCE AND RATES

SB 721 by Hanikel *(Last Action – Act 351)*

HB 430 by Tucker *(Last Action – House Committee)*

Creates a flexible rating process for property and casualty insurance rates modeled after the "flex ban" laws of South Carolina. Provides for flexible rating system for property and casualty insurance rates allowing the insurers to increase or decrease existing rates by as much as 10% without prior approval by the La. Insurance Rating Commission.

HB 725 by Bowler *(Last Action – Senate Calendar)*

Provides for the conditions for cancellation, non-renewal, and increase of premiums and deductibles of certain property, casualty, and liability policies.

HB 1420 by Hebert *(Last Action – Senate Committee)*

Limits the number of times a rate increase can be approved by the Louisiana Insurance Rating Commission to one in a twelve-month period.

HB 1751 by Faucheux *(Last Action – House Committee)*

Abolishes the Louisiana Insurance Rating Commission and transfers powers to the commissioner of insurance.

SB 245 by Hainkel *(Last Action – House Committee)*

Limits the authority of the Louisiana Insurance Rating Commission.

HB 1419 by Erdey *(Last Action – Senate Calendar)*

Provides for agreements for the funding of approval and certification process for defensive driving courses.

HB 1788 by Morrish *(Last Action – Senate Calendar)*

Creates the Louisiana Citizens Property Insurance Corporation to operate and manage the FAIR and Coastal plans. The corporation is subject to oversight by the Louisiana Insurance Rating Commission and the commissioner of insurance. The insurers are required to participate and are subject to assessments by the corporation.

Insurance

HB 2000 by Odinet *(Last Action – Senate Committee)*

Provides that rates for homeowners insurance may not vary more than 5% between parishes that are contiguous.

DEPARTMENT OF INSURANCE

HB 1448 by Hebert *(Last Action – Conference Committee)*

HB 399 by Bowler *(Last Action – House Committee)*

Limits the use of credit information by insurance companies for the issuance, denial, cancellation, and nonrenewal of personal insurance, including homeowners and automobile insurance.

HB 1833 by Morrish *(Last Action – Act No. 293)*

Provides for denial or revocation of license for insurance fraud and for funding of entities enforcing insurance fraud laws.

HB 1476 by Hebert *(Last Action – Senate Calendar)*

Allows unauthorized insurers to file lawsuits and enter pleadings without posting a bond, if placed on an approved list by the Dept. of Insurance. Does not apply to any matter in which a motion to request a bond was filed prior to May 5, 2003.

HB 1508 by Hebert *(Last Action – Sent to Governor)*

Generally, deletes old language regarding previously existing divisions whose authority has been transferred to the Louisiana Insurance Rating Commission and provides for the office of property and casualty in the Department of Insurance to facilitate the commission in its duties and functions.

HB 1509 by Hebert *(Last Action – Act No. 135)*

Provides that the "Insurance Code" is all of Title 22 instead of only Chapter 1 of Title 22.

HB 1989 by Hebert *(Last Action – Senate Committee)*

Repeals the use of directives by the commissioner of insurance.

LIFE INSURANCE

HB 1434 by Hebert (*Last Action – Act No.124*)

Governs the assignment of viatical settlements.

HB 1691 by Hebert (*Last Action – Act No.343*)

Regarding viatical settlements, the bill provides for licensing, license revocation, approval of contracts, reporting requirements, examinations, disclosures, general rules, adoption of standards by the Department of Insurance, and unfair trade practices.

HB 2004 by Crowe (*Last Action – Senate Calendar*)

Provides for the Department of Insurance to maintain a central database to contact life insurers upon a request to search for life insurance policies covering a decedent.

GENERAL INSURANCE MATTERS

HB 1039 by Winston (*Last Action – Sent to Governor*)

Repeals prohibitions on group insurance for property and casualty insurance.

HB 691 by Farrar (*Last Action – House Calendar*)

Increases the deposit and bond requirements for foreign and alien insurers to \$200,000.

SB 567 by Lentini (*Last Action – Conference Committee*)

SB 581 by Lentini (*Last Action – Act No. 223*)

SB 601 by Lentini (*Last Action – Sent to Governor*)

These bills govern the behavior of bail bond agents and provides for certain licensing requirements. Prohibits the surrender of a defendant for non-payment of bail bond premium.

HCR 120 by Bowler (*Last Action – Senate Calendar*)

Request the state legislatures in the U.S. to oppose legislation to participate in Interstate Insurance Product Regulation Compact.

JUDICIARY

JUDGES

HB 19 by Frith

Constitutional Amendment (*Last Action – Enrolled*)

Authorizes a judge who attains the mandatory retirement age of seventy years while serving a term of office to be allowed to complete that term of office.

HB 28 by Frith (*Last Action – Senate Committee*)

Statutory authorization for a judge who attains seventy years of age while serving a term of office to be allowed to complete that term of office.

HB 86 by Murray

Constitutional Amendment (*Last Action – House Calendar*)

Would have increased the mandatory retirement age for judges from seventy to seventy-five years of age.

SB 217 by Marionneaux

Constitutional Amendment (*Last Action – House Committee*)

Would have authorized a judge who attains the mandatory retirement age of seventy years while serving a term of office to be allowed to complete that term of office. In its original form, this constitutional amendment increased the mandatory retirement age for judges from seventy to seventy-six years of age.

HB 597 by Toomy (*Last Action – Failed to Pass/Senate*)

Would have required that judicial salaries be approved by concurrent resolution adopted by a favorable vote of the majority of the elected members of each house of the legislature. Would have provided that the salaries recommended in the report submitted by the Judicial Compensation Commission take effect on the first day of July of the year in which the report was submitted, if approved by the legislature.

HB 662 by Bruneau

Constitutional Amendment (*Last Action – Failed to Pass/Senate*)

Would have increased the qualifications necessary for election to judicial office to having been admitted to the practice of law in the state for eight years prior to election to the

supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction.

HB 801 by Toomy (*Last Action – Act No. 163*)

Requires the Judicial Council of the Supreme Court of Louisiana to adopt determinate standards and guidelines which shall be applied by the council in determining whether to approve the necessity of creating any new judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, including the creation of any new office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated. Does not apply to justice of the peace courts, mayors' courts, or administrative law judges employed by the Division of Administrative Law.

COURT COSTS

SB 253 by Dardenne (*Last Action – Act No. 202*)

Prohibits any law providing for a new court cost or fee or to increase an existing court cost or fee to be enacted unless first submitted to the Judicial Council of the Supreme Court of Louisiana for review and recommendation to the legislature.

ELECTED OFFICIALS - PAY INCREASES

HB 258 by Nevers (*Last Action – House Calendar*)

Would have provided that coroners who are physicians licensed to practice medicine in Louisiana shall be paid a state salary of \$50,000 per year, and those who are not physicians licensed to practice in Louisiana shall be paid a state salary of \$25,000 per year.

HB 485 by Toomy (*Last Action – Act No. 157*)

This bill provides for a \$5,000 yearly increase in the salary of each of the clerks of a district court whose salary is based upon the population of their respective parish. Clerks of district courts of the various parishes shall establish their own rates of annual compensation for their services, payable out of the clerk's salary fund, which rates shall not exceed the following amounts based on the applicable population of the respective parishes, according to the latest United States census as follows:

Population	Compensation	
	<u>From</u>	<u>To</u>
(1) Less than 50,000	\$60,000	\$65,000
(2) 50,001-100,000	\$65,000	\$70,000

Judiciary

(3) 100,001-200,000	\$70,000	\$75,000
(4) 200,001-300,000	\$75,000	\$80,000
(5) Over 300,000	\$80,000	\$85,000

HB 1093 by Toomy *(Last Action – Sent to Governor)*

Retains present law that provides that a sheriff in a parish with a population greater than 400,000 shall be paid the same as a judge of the Criminal District Court for the Parish of Orleans (\$107,103). Provides that a sheriff in a parish with a population of 400,000 or less shall be paid \$20,000 less than the salary of a sheriff in a parish with a population of greater than 400,000 (\$87,103).

ASSISTANT DISTRICT ATTORNEYS

HB 273 by Toomy *(Last Action – Enrolled)*

Creates the Governor's Advisory and Review Commission on Assistant District Attorneys. Prohibits the legislature from enacting an additional position of assistant district attorney to be paid by the state without approval of the commission.

ALCOHOLIC BEVERAGES

HB 455 by Jack Smith *(Last Action – Sent to Governor)*

Provides that a person is not necessarily disqualified from receiving a permit to sell alcoholic beverages for certain felony convictions if the crime was not a crime of violence and 10 years or more have elapsed between the date of application and the successful completion of any sentence, deferred adjudication, or period of probation or parole and the final discharge of the defendant.

HB 825 by Crowe *(Last Action – House Committee)*

Would have prohibited a person under the age of twenty-one from being present in certain establishments that serve alcohol.

HB 1460 by Toomy *(Last Action – Enrolled)*

Includes vendors of tobacco products and the serving and selling of tobacco products within the Responsible Vendor Program. Excludes tobacco wholesale dealers and tobacconists from the program.

SB 140 by Ellington (*Last Action – Act No. 191*)

Requires registration and tracking of the retail sale of malt beverages in a keg and preempts a local ordinance requiring keg registration.

SB 479 by Chaisson (*Last Action – House Committee*)

Would have made it unlawful for the passenger in or on a motor vehicle on a public highway or right-of-way to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle. SB 479 was referred to the Committees on Judiciary, Administration of Criminal Justice, and Transportation, Highways, and Public Works.

JUVENILES

HB 2018 by Landrieu (*Last Action – Enrolled*)

SB 963 by Cravins (*Last Action – Conference Committee*)

Creates the Juvenile Justice Reform Act of 2003 upon recommendation of the Juvenile Justice Commission. Provides for the closure of Swanson Correctional Center for Youth-Madison Parish Unit as a facility for juveniles. Requires a single state entity to develop uniform standards and licensing procedures for local juvenile detention facilities. Creates the Juvenile Justice Reform Act Implementation Commission for the purpose of implementing the recommendations contained in the Juvenile Justice Reform Act of 2003 and related resolutions pertaining to the continued reform of the state's juvenile justice system. Provides that the commission shall address among other things, the creation of a single state entity for providing services to children and their families and the closure of the Swanson/Tallulah as a facility for children. Also, establishes the Louisiana Juvenile Justice Planning and Coordination Board as an interim, planning, and coordination board of the Children's Cabinet. Establishes nine regional service areas and provides for specified agencies to develop a plan for the delivery of services in the state's regional service areas.

SB 40 by Schedler (*Last Action – Act No. 5*)

Provides for an exception to the prohibition of public disclosure of the name, address, or identity of certain crime victims who are under the age of eighteen at the time of the commission of the offense. The exception provides that all information regarding juvenile crime victims that is required by a child abduction alert system which assists law enforcement in the successful resolution of child abduction cases, such as the AMBER Alert network, shall be made available to such alert system as quickly as possible.

Judiciary

LAW ENFORCEMENT OFFICERS

HB 1956 by Welch (*Last Action – Enrolled*)

Requires a person being hired as a peace officer on or after August 15, 2003, to provide a sample of his DNA material and fingerprint prior to the commencement of the discharge of his duties. Authorizes any person currently employed as a peace officer to elect to provide the law enforcement agency with which he is employed with a sample of his DNA material.

MILITARY AFFAIRS

HB 157 by Downer (*Last Action - Act No. 359*)

Clarifies dependents reinstatement rights to group health insurance coverage after military service.

HB 709 by Downer (*Last Action - Act No. 327*)

Provides for differential pay to state employees called to active service in the uniformed services.

HB 942 by Downer (*Last Action - Act No. 40*)

Provides for the office of homeland security and emergency preparedness within the Military Department.

SPECIAL LEGISLATION

HB 27 by Hill (*Last Action – Act No. 76*)

Designates mayhaw and Louisiana sugar cane jellies as the official state jellies.

HB 70 by Pitre (*Last Action – Senate Calendar*)

Designates the loss of coastal wetlands to be Louisiana's "state crisis".

HB 231 by Townsend (*Last Action – Enrolled*)

Designates the "Natchitoches Meat Pie" as the official meat pie of the state.

HB 633 by Hutter *(Last Action – Enrolled)*

Designates the Creole Tomato as the state vegetable plant and the sweet potato as the state vegetable.

HB 1672 by Broome *(Last Action – Act No. 433)*

Recognizes and designates the third Saturday in June as Juneteenth Day throughout the state of Louisiana, in honor of the day African Americans celebrate as Emancipation Day.

SB 291 by M. Smith *(Last Action – Sent to Governor)*

Declares the Winnfield-based "Uncle Earl's Hog Dog Trials" as the official state "Uncle Earl's Hog Dog Trials".

LABOR AND INDUSTRIAL RELATIONS

EMPLOYMENT

HB 245 by Lucas *(Last Action – House Committee)*

HB 1031 by Tucker *(Last Action – Sent to Governor)*

HB 1642 by Guillory *(Last Action – Passed the Senate)*

HB 1643 by Guillory *(Last Action – Sent to Governor)*

HB 245 would have established state minimum wage at one dollar above the federal minimum wage. Would have provided for an incremental increase in state minimum wage whenever the federal minimum wage was increased.

HB 1031 requires an employee to be paid wages, upon separation from employment, on or before the next regular payday for the pay cycle during which the employee was working at the time of separation or no later than 15 days after separation, whichever occurs first.

HB 1642 allows an employer to withhold the costs of an employee's drug test if the employee should separate from employment within ninety days.

HB 1643 prohibits minors who have not graduated from high school from working after 10:00 p.m. on any day before a "school day" and after midnight on any day before any "non-school day." Minors under the age of 16 who have not graduated from high school are prohibited from working before 7:00 a.m. and after 7:00 p.m. on "school days" and after 9:00 p.m. on "non-school" days. Minors under the age of 16 who have not graduated from high school are prohibited from working more than 40 hours per week.

LABOR

HB 1770 by Jack Smith *(Last Action – Act No. 428)*

Act 428 prohibits any interested party, during the sale of a business, from engaging in a similar business or soliciting customers from that business for not more than two years within specified parishes. This Act also provides that a person who becomes employed for a competing business may be deemed to be competing or engaging in a similar business regardless of whether the employee is an owner or equity interest holder.

Labor and Industrial Relations

UNEMPLOYMENT

SB 824 by Heitmeier (*Last Action – Act No. 510*)

Act 510 clarifies that any service performed in an instructional, research, or principle administrative capacity including service performed by temporary and uncertified teachers are not entitled to unemployment benefits during summer vacation.

WORKERS' COMPENSATION

SB 336 by C Fields (*Last Action – Act No. 485*)

SB 771 by C Fields (*Last Action – Sent to Governor*)

Act 485 requires expeditious handling of an appeal from a workers' compensation judgment when a judge finds that the delay of an employee's surgery, more likely than not, will result in death, permanent disability or irreparable injury.

SB 771 mandates that a health care provider shall charge only one reasonable fee regardless of the number of people attending a workers' compensation conference.

MUNICIPAL, PAROCHIAL AND CULTURAL AFFAIRS

LOCAL GOVERNMENT

HB 370 by Faucheux *(Last Action – Enrolled)*

Constitutional amendment to authorize a local governmental subdivision (municipality or parish) to use tax revenues dedicated to industrial or economic development or proceeds from bonds secured by such revenues for the acquisition of immovable property or for maintenance of such property or other immovable property of the subdivision, or the granting of the use of such property or any other immovable property of the local governmental subdivision to a person, association, or corporation that, by cooperative endeavor agreement, agrees to locate or expand industrial enterprises within the subdivision. Provides an exception to present constitution which prohibits the state or any political subdivision from loaning, pledging, or donating funds, credit, property, or things of value, except that for a public purpose public entities are authorized to engage in cooperative endeavors with each other or with other public or private entities.

HB 711 by Hammett *(Last Action – Sent to Governor)*

Provides that the Louisiana Local Government Environmental Facilities and Community Development Authority may make loans to political subdivisions under certain federal loan guaranty programs and authorizes political subdivisions to borrow money from the authority under such programs. Provides that the authority may contract to exercise its powers and may enter into contracts which the authority deems necessary in carrying out its powers. Provides further that the authority may contract with political subdivisions in the exercise of its powers and authorizes a political subdivision to contract with the authority in the exercise by the authority of any of the authority's powers. Provides that the authority may contract or invest any funds, monies, or bond proceeds of the authority or of any political subdivision in a manner deemed by the authority to be prudent. Provides that the Act is to be liberally construed to effect its purposes. Changes terms of directors of the authority from four years to two years.

HB 1302 by Thompson *(Last Action – House Committee)*

Removes investment grade (A-1/P-1) commercial paper of domestic U.S. corporations from the list of authorized obligations in which municipalities, parishes, school boards, and any other political subdivisions of the state may invest.

Municipal, Parochial & Cultural Affairs

HB 1488 by Farrar *(Last Action – Enrolled)*

Authorizes the board of commissioners of waterworks districts to employ a president, in addition to a secretary, on either a part-time or full-time basis and to fix his salary which shall not exceed \$3,600 per year. Provides that such salary shall be payable on a monthly basis.

HB 1734 by Thompson *(Last Action – House Committee)*

Requires any non-profit entity, which currently exists or is formed in the future, which accepts funds for investment from any parish, municipality, or political subdivision of the state which are pooled pursuant to present law to meet the following requirements.

- (1) Allows the entity to offer all instruments for investment pursuant to present law, except for commercial paper. No maturity offered shall be in duration for more than 30 days.
- (2) Requires the entity, as well as its investment funds, to have an audit conducted by the legislative auditor, which will be reported to the state treasurer and the Joint Legislative Committee on the Budget.
- (3) Requires the entity to make a written and verbal disclosure which states to what extent the funds deposited for investment are not guaranteed by the state or the federal government, nor are they collateralized.
- (4) The entity shall be subject to the open meetings and public records laws.

HB 1859 by Wooton *(Last Action – Enrolled)*

Increases from \$5,000 to \$50,000 the sum that parish governing authorities are authorized to appropriate annually for fairs, agricultural festivals, and other properly organized agricultural activities.

HB 1886 by Tucker *(Last Action – Sent to Governor)*

Provides relative to the use of tax increment financing as an allowable method for financing economic development districts in any municipality or parish with a population of not more than 200,000 according to the latest federal decennial census, or any municipality, parish, local industrial board, or local public trust authorized pursuant to present law having a jurisdiction over the geographical area bounded by the Mississippi River, the Orleans/Jefferson parish line and the Orleans/Plaquemines parish line. HB 1886 provides that the annual baseline collection rate for tax increments within such economic development districts may, at the option of the entity creating the district, be the amount of applicable taxes collected in the district set forth in an ordinance (1) in the fiscal year of the local governmental subdivision most recently completed prior to the establishment of the area, (2)

Municipal, Parochial & Cultural Affairs

the average applicable taxes collected in the district for the two fiscal year periods most recently completed prior to the establishment of the area, or (3) the average applicable taxes collected in the district for the three fiscal year periods most recently completed prior to the establishment of the area.

HB 1952 by Cazayoux *(Last Action – House Committee)*

Provides relative to performance-based energy efficiency contracts. Additionally defines such contracts as contracts for energy efficiency services and equipment in which the payment obligation for each year of the contract is guaranteed in whole or in part by energy savings insurance (ESI) wherein the energy savings insurance guarantees that the payment obligation for each year of the contract is to be less than the annual energy cost savings attributable to the service or equipment under the contract obligation for each year of the contract. Provides relative to the request for proposal process used in awarding such contracts, the term of such contracts, and the use of energy savings.

SB 279 by Dardenne *(Last Action – Sent to Governor)*

Provides relative to the dedication of state sales tax increments to pay the revenue bonds for a local economic development project. Requires the secretary of the Department of Economic Development to submit the proposed project to the Joint Legislative Committee on the Budget for approval. Further provides that any cooperative endeavor agreement or other agreement providing for the expenditure of funds collected by the state as state sales tax increments and dedicated to a project or for the payment of revenue bonds therefor shall be subject to approval by the State Bond Commission prior to execution by the state.

SB 736 by C.D. Jones *(Last Action – House Calendar)*

Provides for the Rural Town Revitalization Act which includes the creation of the Rural Town Revitalization Program in order to mitigate the rapid deterioration of rural towns including those towns' infrastructures and other systems essential to the socio-economic well-being of the citizens of such towns. Defines a "rural town" as any municipality in the state with a population of 12,000 persons or less. Creates the Rural Town Revitalization Fund in the state treasury. Provides that the monies in the fund shall be used or granted by the office of rural development solely to fund projects developed and coordinated by the office of rural development. The programs developed shall be specifically intended to reduce unemployment, infant mortality, and illiteracy; to assist in developing new business and helping established businesses to expand or; for the administration and implementation of any other programs approved by the office of rural development.

SB 836 by McPherson *(Last Action – Enrolled)*

Enacts the Business Improvement District Act. Declares legislative findings that there is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative

Municipal, Parochial & Cultural Affairs

for the establishment, power, operation, and duration of independent districts to promote, manage, maintain, and develop business improvement and development districts within municipalities and parishes. Provides that the districts shall be established pursuant to an ordinance adopted by the governing body of the municipality or parish in which the land is located granting a petition for its establishment. Provides district powers, including power to levy taxes, issue bonds, acquire property and develop projects. Excepts certain parishes from the Act.

ABANDONED AND/OR ADJUDICATED PROPERTY

HB 1165 by Psychaud *(Last Action – House Committee)*

Provides relative to the post-adjudication sale of abandoned property. Authorizes a political subdivision to sell such property at public or private sale. Provides that such sales are not considered sales of surplus property or of property owned by the political subdivision. Provides that the tax debtor, his heir, administrator, executor, assign, or successor, shall not have a right of redemption with regard to such property. Removes statutory provision providing for a three-year redemptive period and instead provides no statutory time limit for the redemptive period.

HB 1385 by Guillory *(Last Action – Enrolled)*

Authorizes parishes and municipalities to pay a commission to realtors who assist local governments in selling tax-adjudicated property. Provides for the fee or commission not to exceed 10% on land or acreage and 6% on land and dwelling.

SB 800 by Bajoie *(Last Action – Act No. 307)*

Provides relative to the post-adjudication donation of abandoned or blighted property by parishes and municipalities. Provides that the tax debtor, his heir, administrator, executor, assign, or successor, shall not have a right of redemption with regard to such property. Removes statutory provision providing for a three-year redemptive period and instead provides no statutory time limit for the redemptive period.

SB 830 by Bajoie *(Last Action – Act No. 234)*

Authorizes parishes and municipalities to sell adjudicated vacant lots by private sale to an adjoining landowner who has maintained the property for a period of one year. Provides that such sale shall not occur until the redemptive period has elapsed.

Municipal, Parochial & Cultural Affairs

SB 902 by Bajoie *(Last Action – Act No. 241)*

Provides relative to the post-adjudication sale of abandoned property by political subdivisions. Provides that the tax debtor, his heir, administrator, executor, assign, or successor, shall not have a right of redemption with regard to such property. Removes statutory provision providing for a three-year redemptive period and instead provides no statutory time limit for the redemptive period.

FIRE AND POLICE

HB 594 by Scalise *(Last Action – House Committee)*

Constitutional amendment to prohibit the state, a political subdivision, an agency or instrumentality of either, and any governmental official or agency which establishes personnel policy for public municipal fire or police employees, except in parishes and municipalities with a population of 30,000 or fewer persons according to the latest federal decennial census, from requiring such employees or potential employees to reside or have a domicile in a particular area, municipality, parish, district, or region of the state. Provides that the term "public municipal fire or police employee" shall not include any elected official or member of a board or commission.

SB 413 by M. Smith *(Last Action – Act No. 492)*

Provides that in any municipality with a population of five thousand or less according to the latest federal decennial census, a majority of the qualified electors voting therein may, at a special election called by the governing authority of the municipality for that purpose, authorize the mayor to thereafter appoint the chief of police with the approval of the governing authority or provide for the election of the chief of police. Provides that such special election shall be called only upon the adoption of an ordinance by a two-thirds vote of the governing authority. Once such an election has been called and held, no further or other election on the same question shall be held for at least four years.

CRIME PREVENTION

HB 1942 by Beard *(Last Action – House Committee)*

HB 865 by Beard *(Last Action – House Committee)*

Creates 105 crime prevention and security districts throughout the state whose boundaries are coterminous with the boundaries of each House legislative district and provides for state funding from all funds appropriated to the Office of Urban Affairs and Development, the Office of Rural Development, and the Rural Development Fund. Districts terminate after one year. (Committee adopted text of HB 1942 as substitute for HB 865, but bill was not reported.)

Municipal, Parochial & Cultural Affairs

PLANNING/ZONING

SB 1005 by Heitmeier *(Last Action – Sent to Governor)*

Provides that regional planning commissions in urbanized areas with populations in excess of one million shall be authorized to provide transportation design and engineering services in support of the metropolitan plan, capital outlay program, and other related projects. Fees for such designs and services shall not exceed \$500,000 and must be coordinated with governmental entities affected by such projects. Requires the concurrence of the Louisiana Department of Transportation and Development prior to performing any transportation design or transportation engineering services involving a state highway. Provides that if federal funds are involved, any such projects shall be confined to the federal-aid network and require prior approval by the Federal Highway Administration.

HOUSING

HB 1307 by LaFleur *(Last Action – Enrolled)*

Authorizes local housing authorities and Housing Choice Voucher agencies to obtain criminal history record information on applicants for public housing or vouchers under Housing Choice Voucher programs. Specifically authorizes local housing authorities to obtain specified information from the Louisiana Bureau of Criminal Identification and Information, but limits request to instances where the person applying for public housing has signed a consent form. Defines "conviction records" for purpose of obtaining information from the bureau to include only those records which are electronically maintained by the bureau. Provides that the bureau may charge a fee of \$26 for providing this information to local housing authorities.

HB 1457 by Glover *(Last Action – House Calendar)*

Authorizes a housing authority to adopt rules requiring a housing authority resident to devote at least one of the eight hours per month of community service required by federal law to the educational needs of at least one of his school age children. Defines "school age child" as a child at least five years old but younger than 14. Makes the authority responsible for establishing procedures for verifying compliance with the community service education requirement if it chooses to adopt such rules. Provides for exceptions.

HB 1459 by Thompson *(Last Action – Enrolled)*

Provides that a state public body may conduct public hearings on a proposed housing development or redevelopment project for its planning, undertaking, construction, or operation. Further requires that notice of such a public hearing be given to legislators in whose districts the project is located.

Municipal, Parochial & Cultural Affairs

TRANSPORTATION

HB 1943 by LeBlanc *(Last Action – Enrolled)*

Creates the Lafayette Metropolitan Expressway Commission within the Department of Transportation in order to pursue alternative and innovative funding sources, including but not limited to tolls, to supplement public revenue sources, and to improve the Lafayette area's transportation system. Provides that the commission shall be governed by a board of eleven directors. Further provides that the commission shall be vested with powers to promote, plan, finance, develop, construct, control, regulate, operate, and maintain any limited access tollway or transitway to be constructed within its jurisdiction and other functions and responsibilities provided for any entity as otherwise provided by law.

HOSPITAL SERVICE DISTRICTS

SB 750 by Lentini *(Last Action – House Committee)*

Authorizes the board of commissioners of a hospital service district and any corporation or health facility owned or operated by such district or commission to employ, appoint, hire, or contract with any person for the purpose of authorizing such person to negotiate rates, payment terms, and other contractual terms and provisions with health care provider organizations and payors including but not limited to: insurance organizations on behalf of hospital service districts. Provides that such person shall be known as a negotiator. Provides that all information provided to a hospital service district by the negotiator may be shared with other hospital service districts who have made an agreement with the person to serve as their negotiator.

MUSEUMS

HB 689 by Farrar *(Last Action – Sent to Governor)*

Creates the Tioga Heritage Park and Museum, within the Department of State. Creates and provides for a governing board of the museum comprised of thirteen members who have a knowledge of and an interest in historical preservation and the history of the Tioga area and surrounding communities (Rapides Parish).

HB 949 by Bruce *(Last Action – Sent to Governor)*

Creates the Mansfield Women's College Museum within the Department of State. Creates and provides for a governing board of the museum comprised of nine members who have a knowledge of and an interest in the history of women's education in northwest Louisiana and the DeSoto Parish area in particular.

Municipal, Parochial & Cultural Affairs

SB 823 by M. Smith *(Last Action – Enrolled)*

Establishes the Louisiana Political Museum and Hall of Fame, the Louisiana Forestry Museum, and the Winn Parish Museum as museums of local interest and creates the Louisiana Sports Hall of Fame as a museum and places such museums in the office of the state museum within the Department of Culture, Recreation and Tourism.

SB 1033 by B. Jones *(Last Action – Sent to Governor)*

Creates the Louisiana Military Museum within the Department of State. Creates and provides for a governing board of the museum comprised of thirteen members who have a knowledge of and an interest in historical preservation and the history of the military and armed forces. The museum is to be domiciled in Lincoln Parish.

PARKWAYS/ TRAILS/ BYWAYS

HB 1043 by Faucheux *(Last Action – Enrolled)*

Creates the Manchac Parkway as a historic, cultural, scenic, natural, and economic resource for the state to provide recreational opportunities and educational experiences for the state's residents and visitors. Designates the Manchac Parkway area along the old Highway 51 corridor from an area near LaPlace to an area south of Pontchatoula. Also creates the Manchac Parkway Commission as a state agency in the Department of Culture, Recreation and Tourism to develop and implement a management and interpretative plan for the parkway.

HB 1945 by Diez *(Last Action – Enrolled)*

Creates the Louisiana Byways Commission within the Department of Culture, Recreation and Tourism and provides that the jurisdiction of the commission shall be comprised of all territory within the state of Louisiana. Provides that the purpose of the commission is to preserve, enhance, and promote special roads within the Louisiana Byways Program that offer historical, cultural, scenic, natural, archeological, recreation, and economic resources for the state. Provides that the commission shall consist of nine members and the lieutenant governor shall serve as chairman of the commission.

HB 1116 by Landrieu *(Last Action – Sent to Governor)*

Creates the America's WETLAND Trail in the Governor's Office of Coastal Activities in order to heighten awareness of the dramatic coastal land loss occurring in south La. and what that loss means to the entire state and the nation and to promote an understanding of how important the wetlands are to the state and nation and what benefits are derived from the wetlands. Provides that the trail will connect sites and events along coastal Louisiana from

Municipal, Parochial & Cultural Affairs

the western border with Texas to the eastern border with Mississippi. Provides that the sites included will highlight wildlife preserves and refuges, environmental and cultural resource centers, birding and nature trails, and cultural and historic sites.

CULTURE

HCR 114 by LaFleur *(Last Action – Enrolled)*

Continues the Louisiana Commission on French and the Louisiana French Study Committee as created by HCR No. 191 of the 2001 Regular Session of the Legislature to assess the condition of the French language in Louisiana.

STATE PARKS

HB 1841 by Fannin *(Last Action – Act No.345)*

Renames Caney Creek Lake State Park located in Jackson Parish as Jimmie Davis State Park.

PUBLIC GREEN SPACE

HB 1432 by Daniel *(Last Action – Enrolled)*

Establishes the Louisiana Purchase Commemorative Act Commission as a state agency in the Department of Culture, Recreation and Tourism comprised of 19 members including various state officials and members appointed by specified local government associations and by specified organizations active in the preservation of public green spaces. Specifies that commission members shall serve without compensation, per diem, or payment or reimbursement of expenses. Charges the commission with the location and identification of monies available to use for the purchase or development of land for use as green space and public parks.

STATE LIBRARY

HB 1664 by Broome *(Last Action – House Committee)*

Provides that the Department of Culture, Recreation and Tourism secretary, or his designee, shall be an ex officio member of the State Library of Louisiana board.

Municipal, Parochial & Cultural Affairs

OFFICE OF LIEUTENANT GOVERNOR

HB 1489 by Broome *(Last Action – House Committee)*

Provides for the office of the lieutenant governor to print, or cause to be printed, any new promotional materials that enhance the development and implementation of cultural, recreational, and tourism programs when funds have been appropriated for that purpose.

NATURAL RESOURCES COMMITTEE

SPECKLED TROUT REGULATIONS

HB 2003 by Baldone *(Last Action – Sent to Governor)*

Authorizes the Wildlife and Fisheries Commission to establish a quota for commercial harvest of speckled trout of between 500,000 and a million pounds; provides for open season from Jan. 2 through July 31 or until the quota is reached each year; prohibits commercial taking from sunset Friday through sunrise Monday; prohibits possession for commercial purposes between 10 p.m. and 5 a.m.; however authorizes a person holding recreational freshwater and saltwater licenses in addition to a permit for taking speckled trout to take or possess up to the recreational limit between 10:00 p.m. and 5:00 a.m.; limits gear to rod and reel; and prohibits a person from purchasing speckled trout from a commercial fisherman who does not possess a speckled trout permit. Prohibits a person from qualifying for a charter boat fishing guide license at the same time he holds a speckled trout permit.

House Floor Amendments removed provisions relative to limits, seasons, and times for taking mullet.

OYSTER LEASE LEGISLATION

HB 983 by Pitre *(Last Action – House Committee)*

Would have authorized the secretary of the Dept. of Wildlife and Fisheries to terminate, modify, or refuse to renew an oyster lease for any reason consistent with Art. I, §4 (right to property) and Art. IX, §1 (protection of natural resources and environment) of the Louisiana Constitution. Would have provided for limited compensation if the action of the secretary resulted in a loss of investment to the lease holder.

HB 991 by Pierre *(Last Action – Sent to Governor)*

Provides that oyster leases which are to be temporarily impacted by a coastal restoration project and for which DNR recommends that leases not be renewed because of that impact may be eligible for renewal in the future. If the lease becomes eligible for renewal, the first right of refusal shall be offered to the person who held the lease when it was not renewed. Requires the leaseholder to stipulate that he accepts the water bottom in the condition it exists on the date of issuance of the new lease with no ability to take action against the state for any damage that may have occurred between the end of the previous lease term and the new lease date.

Provides that any lease which was not renewed by 1/1/03 because of a temporary impact may be eligible for renewal if the leaseholder files a renewal application by 9/1/03 and annual notices of intent as required.

IMPORTATION AND SALE OF PRIMATES AND REPTILES

HB 1468 by Schwegmann *(Last Action – Enrolled)*

The bill provides that the Department of Wildlife & Fisheries will promulgate rules and regulations relative to the private possession and importation of nonindigenous constrictors in excess of twelve feet long, venomous snakes, and nonhuman primates. Exempts certain institutions and facilities from such regulations. Further allows current private owners and certain institutions to receive permits if ownership prior to July 1, 2003 is shown.

RETIREMENT

DISABILITY RETIREMENT

HB 205 by Montgomery *(Last Action – Sent to Governor)*

Exempts disability retirees of the **Municipal Police Employees' Retirement System** who have attained the age of 62 from the reduction in benefits due to earned income and from the annual income reporting requirements.

HB 217 by Montgomery *(Last Action – Sent to Governor)*

Provides for a physical examination for new members of the **Municipal Police Employees' Retirement System**. Requires execution of waivers for any preexisting condition found in the examination. Provides for transmittal of the exam results and any associated waivers to the system.

HB 247 by Montgomery *(Last Action – Enrolled)*

Adds blindness and loss of the use of a limb to the list of duty-related disabilities for which a member of the **Municipal Police Employees' Retirement System** may receive a disability benefit of 100% of his final average compensation.

SB 283 by Boissiere *(Last Action – Sent to Governor)*

Provides a member of the **State Police Pension and Retirement System** a disability benefit of 100% of final average compensation or \$36,000, whichever is greater, for duty-related injuries resulting in total and permanent disability. Specifies that such injuries include loss of a limb, an organ, sight, or hearing and paralysis or permanent damage to the brain or spinal cord.

DEFERRED RETIREMENT OPTION PLAN (DROP)

HB 906 by Schneider *(Last Action – Enrolled)*

Provides for DROP monies of the **District Attorneys' Retirement System** to be segregated in subaccounts and invested in liquid asset money market investments upon termination of the member's participation in DROP. Removes provision for reduction of amounts credited to an individual's subaccount by ½ of 1%.

HB 913 by Schneider *(Last Action – Enrolled)*

Allows a member of the **State Police Pension and Retirement System** who participates in DROP to have a lump sum conversion of unused sick and annual leave paid directly into his DROP account after he terminates employment. Specifies that his DROP monies and those of any person entering DROP on or after 7/01/03, shall be invested in liquid asset money market accounts. Allows persons who entered DROP before 7/01/03 who do not roll their leave value into their DROP accounts to make a one-time irrevocable election to have their DROP monies placed in liquid asset money market accounts.

HB 1426 by Daniel *(Last Action – Sent to Governor)*

Provides for DROP account monies of persons who become eligible to participate in DROP on or after January 1, 2004, to be invested in money market accounts or self-directed plans, at the election of the system's board of trustees. Applies to these systems: **Teachers' Retirement System of Louisiana, Louisiana School Employees' Retirement System, Assessors' Retirement Fund, Clerks' of Court Retirement Fund, Firefighters' Retirement System, Municipal Employees' Retirement System, Municipal Police Employees' Retirement System.**

Louisiana State Employees' Retirement System DROP provisions were changed to provide for self-directed DROP investment, in SB 425 (see below). **State Police Pension and Retirement System** provisions were changed to provide for investment in money market accounts but not in self-directed plans in HB 913 (see above). **District Attorneys' Retirement System** provisions were changed to provide for investment in money market accounts but not in self directed plans in HB 906 (see above).

SB 425 by Boissiere *(Last Action – Sent to Governor)*

Provides for the monies in DROP subaccounts of members of the **Louisiana State Employees' Retirement System** who have completed DROP participation and who are in the investment period to be administered by a third-party administrator, selected by the Board of Trustees. Provides that the investment of the monies in the subaccounts during the investment period shall be *self-directed*.

Authorizes **LASERS** to select a third party to administer the Deferred Retirement Option Plan during the investment period, giving consideration to the following:

- (1) The tax status of the products.
- (2) The portability of the products offered by the provider.
- (3) The types and diversity of products offered by the provider.
- (4) The ability of the designated provider to provide the rights and benefits under the products.
- (5) At a minimum, one short-term fixed income option.

Retirement

(6) At least one of the fund providers shall maintain an office in the state of Louisiana.

HB 1721 by Hudson *(Last Action – House Committee)*

HSR 11 by Hudson *(Last Action – Approved)*

HSR 38 by LaFleur *(Last Action – Approved)*

HB 1721 provided for a five-year DROP participation period for the systems listed. HSR 11 and HSR 38 provide for a study by the House Committee on Retirement of five-year DROP participation period for **Louisiana State Employees' Retirement System, Teachers' Retirement System of Louisiana, State Police Pension and Retirement System, and Louisiana School Employees' Retirement System.**

BOARDS AND COMMISSIONS

HB 760 by Daniel *(Last Action – House Committee)*

HB 910 by Schneider *(Last Action – House Committee)*

Allows a member of a state retirement system to receive from the board of trustees an estimate of his retirement benefit which the system may not reduce once the member has applied for retirement.

HB 1325 by Schneider *(Last Action – Sent to Governor)*

Provides for membership, duties, and procedure of state and statewide retirement boards and for the **Public Retirement Systems' Actuarial Committee**. Requires each member of the board of trustees of every state and statewide retirement system to complete 11 hours of education or training each year. Provides that eight hours shall cover investments, two hours shall cover actuarial information, and one hour shall be ethics. Requires an annual report concerning fulfillment of the requirements for the preceding year to be submitted to the House and Senate committees on retirement by January 15 of each year. Provides that a board member elected for the first time in the last quarter of the year need only complete one hour each of ethics, investment, and actuarial training. Provides that no trustee of any system shall receive per diem in any calendar year until he has completed at least one hour in each required educational area with exceptions. Increases the PRSAC quorum from *four* members to *six* members.

SB 1076 by Boissiere *(Last Action – Sent to Governor)*

Provides that each Louisiana state public retirement or pension system, plan, or fund shall direct at least 10 % of all equity separately managed and fixed income account trades through broker-dealers who maintain an office in Louisiana and 10% through broker-dealers who have been incorporated and domiciled in Louisiana for at least two years, who are registered and in good standing with the National Association of Securities Dealers, and who have demonstrated the ability to execute institutional equity transactions. Applies to **Louisiana**

State Employees' Retirement System, Teachers' Retirement System of Louisiana, Louisiana School Employees' Retirement System, and State Police Pension and Retirement System.

HB 1684 by Daniel (*Last Action – Sent to Governor*)

Reestablishes the Commission on Public Retirement to make annual recommendations to the legislature regarding administration, benefits, investments, and funding of public retirement systems. Revises the membership of the commission, providing for 11 members:

- (1) The chairman of the Senate Retirement Committee or his designee.
- (2) The chairman of the House Retirement Committee or his designee.
- (3) The state treasurer or his designee.
- (4) The legislative actuary.
- (5) The commissioner of administration or his designee.
- (6) An actuary designated by the state systems.
- (7) An actuary designated by the statewide systems.
- (8) Two attorneys with experience in public pension design and management, selected by the House and Senate retirement chairs, from nominees of the 13 systems.
- (9) One person selected by the House and Senate retirement chairs, from a list of four nominees submitted by the Louisiana Municipal Association and the Police Jury Association of Louisiana
- (10) The president of the Public Affairs Research Council.

Provides that the commission shall review the administration, benefits, investments, and funding of the public retirement systems. Requires it to make recommendations to the Joint Legislative Retirement Committee upon completion of the study. Provides that such recommendations shall address administration, benefits, and investments and funding of the public retirement systems. Requires it to review recommendations of the state and statewide systems and the **Public Retirement Systems' Actuarial Committee**, and comparisons to other public retirement plans.

Additionally requires the commission to review efficiency and accountability of the systems, differing benefits within a single system, including differences among employees of the Dept. of Public Safety and Corrections, bond issuance, and the need for retirement legislation. Requires the committee report additionally to address efficiency and accountability of systems. Requires the commission to meet the week before the regular legislative session convenes to review and prioritize prefiled bills relating to state or statewide retirement systems.

Retirement

BENEFITS

HB 138 by Triche *(Last Action – Enrolled)*

Provides for early retirement of members of **Louisiana State Employees' Retirement System** who have attained age 50 and have at least 10 years of service credit. Limits such retirement to the period from the Act's effective date through 12/31/04 and requires actuarial reduction of benefits. Also requires that positions in state government so vacated shall be abolished and shall not be reestablished except in accordance with procedures in the Act.

HB 284 by Montgomery *(Last Action – Sent to Governor)*

Allows a surviving spouse of a **Municipal Police Employees' Retirement System** member to receive a benefit of up to 100% of the member's final average compensation for a service-related death occurring on or after January 1, 2001. Prohibits the use of funds derived from the assessments against insurers pursuant to R.S. 22:1419 from being used to pay any increase in costs or liability resulting from this instrument.

HB 417 by Murray *(Last Action – Enrolled)*

Allows a judge or court officer who is a member of **Louisiana State Employees' Retirement System** to retire at age 65 with 10 years of service credit. Specifies that a judge or court officer who is a member of **LASERS** may remain in office after his 70th birthday if the constitution allows him to do so. Provides surviving spouse benefits for judges and court officers where the spouse was married to the member for less than one year before death, in certain circumstances.

HB 909 by Schneider *(Last Action – Senate Committee)*

Guarantees payment by the **Teachers' Retirement System of Louisiana (TRSL)** of the employee's total accumulated contributions, whether through survivor benefit or payment to his estate, bringing TRSL in line with the provisions governing **Louisiana State Employees' Retirement System, Louisiana School Employees' Retirement System, and State Police Pension and Retirement System**.

HB 1084 by Powell *(Last Action – Sent to Governor)*

Provides for the salary received from the state of Louisiana, fees received for service of civil papers, and commissions received as a result of sales and garnishments to be included in the calculation of normal retirement allowances to the extent contributions were paid on such supplemental marshals' earnings for members of the **Municipal Employees' Retirement System**.

HB 1115 by Triche *(Last Action – Sent to Governor)*

Increases the employee contribution rate of wildlife agents in **Louisiana State Employees' Retirement System** by 1% and increases their accrual rate to 3% for service credit accrued before July 1, 2003, and to 3⅓% for service credit accrued thereafter; clarifies that these agents are employees of the Louisiana Department of Wildlife and Fisheries.

HB 1205 by Montgomery *(Last Action – House Committee)*

Allows a reemployed retiree of the **Sheriffs' Pension and Relief Fund** to continue receiving his retirement benefit while he is employed part time in a sheriff's office, so long as his earnings in a fiscal year do not exceed 75% of his final average compensation.

HB 1277 by Durand *(Last Action – House Committee)*

HSR 10 by Durand *(Last Action – Approved)*

HB 1277 would have allowed a **Louisiana State Employees' Retirement System** member employed by the division of probation and parole, in the Department of Public Safety and Corrections, to have his retirement benefit for service credit from 1/1/02 forward, for which he contributed 9% of pay, calculated at 3⅓% accrual rate. HSR 10 provides for a study of this issue.

COST-OF-LIVING ADJUSTMENTS (COLAs)

HB 277 by R. Carter *(Last Action – House Committee)*

SB 241 by Marionneaux *(Last Action – House Committee)*

SB 399 by Fontenot *(Last Action – House Committee)*

Removes the requirement that a retiree of **Louisiana State Employees' Retirement System** must have attained the age of 55 in order to receive a cost-of-living adjustment.

SB 342 by Boissiere *(Last Action – Act No. 486) (Duplicate of HB 956 by Montgomery)*

HB 956 by Montgomery *(Last Action – Senate Calendar) (Duplicate of SB 342 by Boissiere)*

If no cost-of-living adjustment is authorized based on the valuation for the year ending June 30, 2002, allows the **Sheriffs' Pension and Relief Fund** to pay to beneficiaries who have been receiving benefits for more than one year a lump sum of up to 2% of their annual benefits, but not less than \$300. Provides that such supplemental benefit is nonrecurring. Provides that the funds from assessments against insurers shall not be used to pay for such benefit.

Retirement

SB 131 by Hainkel *(Last Action – Failed to Pass/House)*

Provides that the retirement benefits payable to any justice or judge in the **Judges' Noncontributory Retirement Plan** or the surviving spouse of any such justice or judge shall be increased as a cost-of-living adjustment (COLA) annually on July 1st of every year. Provides that the amount of the increase shall be 2% or, if the increase in the Consumer Price Index, US city average for all urban consumers (CPI-U), as prepared by the US Dept. of Labor for the calendar year immediately preceding the COLA is less than 2%, then the COLA shall be a percentage equal to the CPI-U increase for that prior calendar year, if any. Further provides that the percentage so determined shall be applied to the benefit being paid to each recipient on the effective date of the increase.

CONTRIBUTIONS

HB 353 by Townsend *(Last Action – Enrolled)*

SB 722 by Hainkel *(Last Action – House Committee)*

For purposes of computing employer contribution rates, provides that all outstanding amortization bases of the **Firefighters' Retirement System** in existence on June 30, 2002, shall be combined, offset, and reamortized over the period ending June 30, 2029. Excludes merger bases.

HB 1278 by Schneider *(Last Action – Enrolled)*

For purposes of computing employer contribution rates, changes the amortization period for changes in actuarial liability due to actuarial gains and losses, changes in actuarial assumptions or valuation methods, or changes due to legislation experienced by the **Municipal Police Employees' Retirement System** from 15 to 30 years.

HB 1625 by Schneider *(Last Action – Senate Committee)*

Provides for amortization of the unfunded accrued liabilities of the **Louisiana State Employees' Retirement System** and the **Teachers' Retirement System of Louisiana** over a 30-year period, including the amortization of the negative experience account balances. Provides for future experience account balances to be nonnegative. Limits the amount which can be credited to the Employee Experience Accounts to the amount necessary to grant two cost-of-living adjustments.

HB 1946 by Daniel *(Last Action – House Calendar)*

Provides that when the actuarially required contributions for the **Firefighters' Retirement System** exceed the funds produced by the 9% employer contribution rate, the 8% employee contribution rate, and the funds allocated from the assessment against insurance providers

in R.S. 22:1419, then the excess shall be paid in equal portions by the employees, the employers, and the state.

ADDITIONAL SERVICE CREDIT

HB 866 by Beard *(Last Action – Sent to Governor)*

Allows a member of the **Louisiana State Employees' Retirement System** with at least 15 years of service credit to purchase service credit earned as a teacher in a nonpublic school on an actuarial basis.

HB 912 by Schneider *(Last Action – Enrolled)*

Allows members of the **State Police Pension and Retirement System** to purchase service credit for employment with any other law enforcement agency of the state or a political subdivision if the employment is not creditable to any other system, fund, or plan and if the member pays the actuarial cost of such purchase.

SB 330 by Boissiere *(Last Action – Enrolled) (Duplicate of HB 955 by Montgomery)*

HB 955 by Montgomery *(Last Action – Senate Calendar) (Duplicate of SB 330 by Boissiere)*

Allows an active contributing member of the **Sheriffs' Pension and Relief Fund** who has completed a minimum of six years of credited service to purchase additional months and years of service credit, not to exceed a total of four years for active duty military service in the Vietnam Era. Provides for an active contributing member with non-regular state National Guard or federal military service, for which retirement points are assigned, to be eligible to purchase a maximum of two years of credited service. A member purchasing such service credit shall make employee contributions according to the rate of compensation in effect on the date of the purchase of the service credit, for each year of service purchased. Provides that the additional actuarial cost of the purchase of this service credit for active military duty shall be paid through employer contributions and shall be excluded from the amount used to calculate the system's share of insurance premium tax funds under R.S. 22:1419. Applies only to active contributing members of the Fund as of July 1, 2003, and shall not apply to retired or deferred vested members. Requires a member to submit information to the Fund by August 1, 2003, in order to be eligible to purchase credit for service under the provisions of this Act. Provides that the provisions of the Act shall be null and void after June 30, 2005.

TRANSPORTATION, HIGHWAYS AND PUBLIC WORKS

DRIVER DISTRACTIONS

HB 1207 by Pitre (*Last Action – Act No.281*)

Provides that regulation of operator or passenger use of cellular telephones and other electronic communications devices in a motor vehicle is exclusively reserved to and preempted by the state. Further prohibits local governmental subdivisions from enacting or enforcing charter provisions, ordinances, resolutions, or other provisions regulating cellular telephone usage in motor vehicles.

HB 1431 by Morrell (*Last Action – House Committee*)

Would have prohibited the use of a cellular telephone while operating a motor vehicle unless the telephone was equipped with a hands-free device. Provided a fine of not more than \$25 for violations.

DRIVERS LICENSES

HB 1686 by Dewitt (*Last Action – Enrolled*)

Enacted the "Driving is a Privilege" law which authorizes the suspension of a student's license for one year if the student is subject to disciplinary action at school which involves the expulsion or suspension of the student from school for 10 or more consecutive school days or an assignment to an alternative educational setting for 10 or more consecutive days, for infractions involving the sale or possession of drugs, alcohol, or any other illegal substance, the possession of a firearm, or an infraction involving assault or battery on a member of the school faculty or staff. However, a license suspension shall not extend beyond the student's 18th birthday.

A student is permitted to apply for provisional student or family hardship driving privileges in order to drive to and from school, work, a drug or alcohol treatment counseling program, or a mental health treatment program when no other transportation is available. Additionally, a student who has his driver's license suspended may be eligible for reapplication or reinstatement if, after six months, the principal notifies the department in writing that the student has displayed exemplary student behavior at school, has not violated any school policies or been found guilty of any other misconduct, and no further disciplinary measures have been taken.

Transportation, Highways and Public Works

HB 1876 by Karen Carter (*Last Action – Sent to Governor*)

Increases the fee for issuance or renewal of all drivers' licenses by \$1 and dedicates the \$1 to the Louisiana Environmental Education Fund to be used for public service announcements and for the education and training of drivers regarding littering or to finance local littering enforcement activities. The funds shall be distributed equally among the five Louisiana Public Service Commission districts.

MOTORCYCLE HELMETS

HB 716 by Schwegmann (*Last Action – House Committee*)

HB 1971 by Baudoin (*Last Action – House Committee*)

SB 136 by Chaisson (*Last Action – Senate Committee*)

Would have required any person who operates or rides upon a motorcycle, motor-driven cycle, or motorized bicycle to wear a safety helmet. Additionally, these bills would have repealed present law relative to requiring a health insurance policy with medical benefits of at least \$10,000 for any person 18 years of age or older who chooses not to wear a helmet and requiring that the Louisiana Highway Safety Commission collect and compile statistical information on the number of fatalities and injuries incurred in crashes which involve motorcycles.

HB 41 by Odinet (*Last Action – House Committee*)

Would have prohibited a **passenger**, regardless of age, from riding upon a motorcycle, motor-driven cycle, or motorized bicycle unless the passenger was wearing a safety helmet. However, the provisions of proposed law would not have applied to an **operator** of such a vehicle who is at least 18 years old.

MOTOR VEHICLES

HB 536 by Bowler (*Last Action - Act No. 374*)

Requires all law enforcement agencies involved in traffic enforcement to establish guidelines for seat belt and motor vehicle liability security checkpoints.

HB 1935 by Katz (*Last Action - Enrolled*)

Requires that one of the following conditions be met before the office of motor vehicles establishes a special prestige license plate for an organization:

- (1) All the necessary fees required by law for one thousand applications for such license plate are prepaid.

Transportation, Highways and Public Works

- (2) The organization guarantees the secretary that if such license plate is established, one thousand plates will be purchased.

OPEN CONTAINER

SB 479 by Chaisson *(Last Action – House Committee)*

SB 479 by Senator Chaisson was referred to the Judiciary, Administration of Criminal Justice, and Transportation, Highways and Public Works Committees. For purposes of this document, SB 479 is summarized in the Judiciary Committee's section.

SEAT BELTS

HB 713 by Hutter *(Last Action - Enrolled)*

Requires specific child passenger restraint systems, according to the age and weight of the child, for children transported in motor vehicles.

SB 88 by Dupree *(Last Action - Enrolled)*

HB 771 by Futrell *(Last Action - Failed to Pass/House)*

Requires that every occupant of a passenger car, van, or pick-up truck wear a seat belt. Present law requires only front seat occupants to wear seat belts.

LOUISIANA AIRPORT AUTHORITY

SB 583 by Marionneaux *(Last Action – Sent to Governor)*

HB 1122 by Quezaire *(Last Action – Conference Committee)*

HB 1092 by Cazayoux *(Last Action – House Committee)*

SB 583 increases the number of members of the board of the Louisiana Airport Authority from 20 to 27 by adding two additional members from Ascension Parish for a total of three members, one additional member from Assumption Parish for a total of two members, adding two members from Iberville Parish, one member from the U.S. Fourth Congressional District, and one member from West Baton Rouge Parish. Additionally, it expands the territorial jurisdiction of the authority to include Iberville and West Baton Rouge Parishes and fixes the initial terms of office for the new and additional members. Increase the number of consecutive terms a member may serve from two to three.

HB 1122 was essentially the same bill as SB 583; however, it was amended on the Senate Floor to delete the authority's ability to acquire by condemnation real and personal property within or without its territorial boundaries for the location or protection of airports and airport facilities.

Transportation, Highways and Public Works

HB 1092 would have expanded the jurisdiction of the authority to include West Baton Rouge and Iberville Parishes and provided for two board members from each of those parishes.

PORTS

SB 1048 by Theunissen (*Last Action – Act No. 149*)

HB 1048 by Flavin (*Last Action – Introduced in Senate*)

Provides for removal of members of the board of commissioners of the Lake Charles Harbor and Terminal District and appointment of new members by the governor. Limits commissioners to two consecutive terms on the board. Provides that the board shall establish broad, directional policies for the district and prohibits the board or any member thereof from interfering in the day-to-day business and operational affairs of the district. Provides for the port director to serve as chief administrative officer of the district and to be responsible for day-to-day operations of the district.

RAILROADS

HB 315 by Powell (*Last Action - House Calendar*)

HB 776 by Quezaire (*Last Action - House Calendar*)

HB 315 would have repealed the requirement that railroads cut vegetation and remove structures on railroad rights-of-way at grade crossings not protected by an active warning device. **HB 776** would have provided for certain exemptions from these requirements.

TRANSPORTATION DEPARTMENT

HB 605 by Diez (*Last Action – Senate Committee*)

Would have authorized the Department of Transportation and Development to construct the New Mississippi River Bridge at St. Francisville (connection to US 61), which is included in the Transportation Infrastructure Model for Economic Development (TIMED) program, using the design-build method. Additionally, the bill provided for the qualifications of bidders and procedures by which the department was to select a qualified bidder to construct the design-build project.

Transportation, Highways and Public Works

HB 870 by Hutter (*Last Action - Act No. 103*)

Requires the Department of Transportation and Development to develop a policy of notifying sheriffs, parish presidents, fire chiefs, and state legislators prior to highway construction and maintenance work being performed in their respective areas.

HB 1671 by Quezarie (*Last Action - Sent to Governor*)

Requires levee districts to issue permits or letters of no objection for a levee crossing when the crossing is approved by the United States Army Corps of Engineers and the Department of Transportation and Development, office of public works.

HB 1690 by Diez (*Last Action - Sent to Governor*)

Authorizes loans from the state infrastructure bank to fund approved highway or road projects of public entities. Also, authorizes public and private investments to be placed in the state infrastructure bank. Increases the maximum time for repayment of loans by public entities from five years to fifteen years. **SB 177**, a constitutional amendment authorizing the bank to loan or pledge public funds, was also passed by the legislature.

TIMED PROGRAM

SB 223 by Barham (*Last Action – Enrolled*)

Constitutional Amendment to be submitted to the electors at the gubernatorial primary election to be held in 2003 to change project descriptions of certain projects to be funded and completed under the TIMED program. Includes the following project description changes:

- (1) US Highway 61 from Thompson Creek to the Mississippi Line, in lieu of "US Highway 61-Bains to Mississippi Line".
- (2) US Highway 165 from I-10 to Alexandria to Monroe to Bastrop and thence on US Highway 425 from Bastrop to the Arkansas Line, in lieu of "US 165-I-10-Alexandria-Monroe-Bastrop-Arkansas Line".
- (3) LA 15-Natchez, Mississippi to Chase in lieu of "LA 15-Natchez, Mississippi to Monroe".

WAYS AND MEANS

CAPITAL OUTLAY

HB 2 by Hammett *(Last Action – Enrolled)*

HB 3 by Hammett *(Last Action – Enrolled)*

Provides for the comprehensive capital outlay budget and for implementation of a five-year capital improvement program.

BONDS

HB 1483 by Daniel *(Last Action – Senate Committee)*

Authorizes municipal or statewide public retirement systems for firemen and police to establish benefit trust funds and issue bonds to pay benefits.

TAX EXEMPTIONS

HB 425 by Pitre *(Last Action – Enrolled)*

Constitutional amendment which exempts from ad valorem property tax drilling rigs used exclusively for the exploration and development of minerals in OCS waters, which are within the state for storage, or for conversion, renovation, or repair, and any property related to same in any parish in which the voters have approved the granting of such exemption.

HB 1621 by Hammett *(Last Action – Act No. 141)*

SB 293 by Dardenne *(Last Action – House Committee)*

Provides for direct payment numbers for private, non-profit, tax-exempt organizations and extends the termination date from June 30, 2003 to June 30, 2005 certain transactions of private and parochial schools.

TAXATION

HB 830 by Hammett *(Last Action – Act No. 36)*

Requires the secretary of the Department of Revenue to remove accrued interest on erroneously issued refunds and authorizes the reduction of interest on certain other refunds issued to a taxpayer in error.

Ways and Means

HB 987 by DeWitt *(Last Action – Conference Committee)*

Increases the tax commission from three to five members. The two additional members would have been appointed by the governor by August 1, 2003.

HB 1315 by Triche *(Last Action – Sent to Governor)*

Provides for the suspension, reinstatement, and denial of renewal of a driver's license to an individual who has a final and nonappealable assessment or judgment in excess of \$1,000 of individual income tax.

HCR 72 by Montgomery *(Last Action – Filed with the Secretary of State)*

Directs the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means to study the impact of the "Stelly Plan" on individual taxpayers and the state budget.

LOCAL SALES & USE TAX

HB 1750 by Daniel *(Last Action – Act No. 46)*

Provides for the taxable nature of cellular, PCS telephone, or other wireless personal communication device or any electronic accessory that is physically connected with such telephones, that is used in connection with the sale or use of mobile telecommunications services.

SB 551 by Bill Jones *(Last Action – Act No. 73)*

Enacts the Uniform Local Sales Tax Code by consolidating various provisions applicable to local sales and use taxes and requires local sales tax to be administered and collected in conformity with such provisions.

ASSESSORS

HB 862 by Alario *(Last Action – Enrolled)*

Authorizes a maximum salary increase of \$7,000 for assessors of the various parishes and each district in Orleans Parish.

SEVERANCE TAX

HB 1010 by Hammett *(Last Action – Act No. 1)*

Changes the source of price data used to annually adjust the severance tax on natural gas from the Natural Gas Clearing House, which is no longer being published, to the NYMEX Henry Hub gas prices as reported in the Wall Street Journal.

INCOME TAX

HB 1828 by Daniel *(Last Action – Enrolled)*

Requires the secretary of the Department of Revenue to notify a taxpayer of the requirement for filing a declaration of estimated tax when payment is in excess of \$1,000 per individual.

FUNDS

SB 720 by Hainkel *(Last Action – House Committee)*

Establishes the Local Government Capital Outlay Projects Fund Program to provide assistance to political subdivisions and non-profit entities with low borrowing costs to finance capital outlay projects. Provides for creation of the Local Government Capital Outlay Projects Fund Program Subaccount of the Comprehensive Capital Outlay Escrow Fund in the state treasury which shall be funded each year by appropriations from either cash or general obligation bond proceeds. Authorizes all borrowers to incur debt and borrow funds from the program to fund up to 100% of any project in the Capital Outlay Act. Provides for repayment of the funds by the borrower and outlines the requirements for a cooperative endeavor agreement for such funds.

SEIZURES/SALES

HB 467 by Peychaud *(Last Action – House Calendar)*

Changes the period for redemption of certain property sold for nonpayment of taxes in the city of New Orleans from 18 months to 12 months.

ECONOMIC DEVELOPMENT

HB 892 by Hammett *(Last Action – Enrolled)*

Authorizes employers to count certain employees who relocate to Louisiana as "new direct jobs" for purposes of the annual rebate under the Quality Jobs Rebate Program and provides for transferability of certain motion picture investor tax credits.

Ways and Means

HOUSING

HB 1949 by Psychaud *(Last Action – Sent to Governor)*

Reduces the number of commissioners on the Louisiana Housing Finance Agency board from 16 to 15 by removing a member from the Louisiana Savings and Loan League. Provides that vacancies on the board do not count toward the number necessary for a quorum. Exempts rules and regulations relative to funds and programs administered by the agency from the Administrative Procedure Act. Provides for the applicability of certain ethics code provisions to participation in certain actions by the commissioners and employees.

CONGRESS

HCR 6 by Odinet *(Last Action – Filed with the Secretary of State)*

Memorializes Congress to repeal the federal income tax on Social Security income.

PUBLIC CONTRACTS

SB 591 by Dardenne *(Last Action – Act No. 224)*

Requires Bond Commission approval of any cooperative endeavor or other agreement that expends any state funds used as security for the repayment of borrowed money, taxable or tax-exempt.